

2 CA-CV 2023-0144

Department B

KARI LAKE v. KATIE HOBBS, et al.

Bench Trial Dates: May 17-19, 2023

County: Maricopa

Case Number: CV2022-095403

Honorable Peter Thompson

At Issue Number: 2023-04860

Plaintiff, Kari Lake

CV2022-095403

Court Transcript:

May 17, 2023 p.m.



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IN THE SUPERIOR COURT OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

In the Matter re:	)	
	)	
Kari Lake,	)	
	)	
Contestant/Plaintiff,	)	
	)	
vs.	)	CV2022-095403
	)	
Katie Hobbs, personally as	)	
Contestee and in her official	)	
as the Secretary of State;	)	
et al.,	)	
	)	
Defendants.	)	
-----	)	

Phoenix, Arizona  
May 17, 2023 - PM

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
TRIAL (day 1)  
BEFORE: THE HONORABLE PETER THOMPSON

**REPORTED BY:**  
LUZ FRANCO, RMR, CRR  
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Phoenix, Arizona  
May 17, 2023

(The following proceedings are had in open  
court:)

THE COURT: All right. This is the  
continuation in CV2022-095403 of Kari Lake versus Katie  
Hobbs, et al., the trial of this matter.

And present, for the record, we have either  
parties, parties' representatives, or their presence is  
waived, and counsel for all parties are present.

So you have a remote witness at 2:00?

MR. OLSEN: Yes, Your Honor.

THE COURT: But we have about 25, 30  
minutes.

So who would you like to call right now?

MR. OLSEN: Your Honor, we --

MR. LARUE: Your Honor, before -- before we  
start, if we can do one little housekeeping matter.

If it pleases the Court, we'd like the Court  
to just recognize that if one defendant makes an  
objection, all the defendants are joining, so we don't  
have to jump up and say, me, too. If we don't want to  
join, we'll inform the Court.

THE COURT: Is that okay with plaintiffs?



1 MR. OLSEN: Yes, Your Honor.

2 THE COURT: It's fine with me. It's whether  
3 that's adequate for the record, you know, on appeal or  
4 whatever. I -- if -- if that's your statement, that  
5 whatever objections are made by defendants are joined by  
6 all defendants, unless there's a statement otherwise, I'll  
7 accept that.

8 MR. LARUE: That's exactly what I'm saying,  
9 Your Honor, yes. Thank you.

10 MR. OLSEN: No -- no objection, Your Honor.

11 THE COURT: Thank you.

12 Who -- who would you like to call?

13 MR. OLSEN: Yes, Your Honor. We call Shelby  
14 Busch.

15 THE COURT: Okay. Ms. Busch, if you'll just  
16 come right up here in front of my clerk and then raise  
17 your right hand, and she will swear you in, ma'am.

18 (Whereupon the witness is sworn.)

19 THE COURT: Thank you. Ma'am, if you'll  
20 make your way around to the witness stand and then just  
21 have a seat, please.

22 All right. I believe she's situated. So,  
23 Mr. Olsen, you can proceed, either from where you are or  
24 the podium, sir. Your choice.

25 MR. OLSEN: Thank you, Your Honor.



1

2

SHELBY JEAN BUSCH,

3

having been first duly sworn,

4

is examined and testifies as follows:

5

6

DIRECT EXAMINATION

7

8

BY MR. OLSEN:

9

Q. Good afternoon, Ms. Busch.

10

A. Hello.

11

Q. Will you please state your full name for the

12

record.

13

A. Yes. Shelby Jean Busch.

14

Q. And do you have an understanding as to why you

15

are to -- here to testify today?

16

A. I do.

17

Q. And what is that understanding?

18

A. It's to testify in regards to our involvement in

19

the footage and the signature verification aspect for the

20

Kari Lake trial.

21

Q. Okay. Are you the chairman of the We The People

22

Arizona Alliance?

23

A. Yes, sir.

24

Q. And what other job titles do you have outside of

25

that organization?



1           A.     Sure.  So my -- my career where I make my living  
2     is in the medical industry.  I am a medical administrator  
3     responsible for coding and in government compliance issues  
4     for the medical industry.  I'm also first vice-chair for  
5     the Maricopa County Republican Committee.

6           Q.     Did you found We The People Arizona Alliance?

7           A.     Yes.  I founded that with the co-founder, Steven  
8     Robinson.

9           Q.     How long ago?

10          A.     It was founded approximately December of 2020.

11          Q.     And what is We The People Arizona Alliance's  
12     purpose and function?

13          A.     We're a volunteer-driven organization, and our  
14     primary function is government accountability and  
15     transparency.  So we use an array of various experts and a  
16     robust amount of public records requests in order to  
17     analyze and understand our government and our government  
18     processes and how it works so we can educate the public.

19          Q.     Have you ever been retained by any Arizona  
20     legislative body to perform any election-related  
21     activities or investigations?

22          A.     Yes.  We were actually appointed, myself and  
23     co-founder, Steven Robinson, were appointed as deputy  
24     liaisons to the Senate audit in 2021.

25                     And after that, we were asked to continue



1     our work in regards to the processes. Specifically, it  
2     ended up being in the areas of voter registration and  
3     signature verification, so that they could better  
4     understand and use the information obtained from the audit  
5     in what they needed to do to improve our systems, our  
6     elections, as well as legislatively.

7           Q.     With respect to signature verification, what  
8     projects has We The People Arizona Alliance been involved  
9     in?

10          A.     So we were asked to do a study of the policies  
11     and procedures. So we started there. We also interviewed  
12     multiple voters and asked questions about their voter  
13     files. We did some studies on their VMO8s, which is the  
14     voter -- the -- the voter registration or voter record  
15     profile that contains the exemplars.

16                     And after doing so, we spoke with Senator --  
17     Senate former, Senate president, Karen Fann, and we  
18     expressed some concerns of -- of findings within those  
19     VMO8s voter profiles that were being provided to us, and  
20     so, at her request, she gave us access to the ballot  
21     affidavit envelopes for the 2020 election, along with 5.5  
22     million historical --

23                     MS. RODRIGUEZ ARMENTA: Objection, Your  
24     Honor. Excuse me. To the extent that the witness is  
25     testifying about the 2020 election, it's irrelevant.



1 We're here about the 2022 election.

2 THE COURT: Okay. Just for the record, if  
3 the witness is in the middle of an answer or a question --

4 MS. RODRIGUEZ ARMENTA: Apologize, Your  
5 Honor. Thank you so much, yes.

6 THE COURT: -- let's just wait, out of  
7 courtesy, until that happens, and then, if it's after the  
8 fact, I can -- you can move to strike, et cetera.

9 MS. RODRIGUEZ ARMENTA: Yes. Thank you,  
10 Your Honor. Apologies.

11 THE COURT: Apologize. You were in the  
12 middle of your answer.

13 THE WITNESS: Thank you.

14 THE COURT: Do you want to continue, or do  
15 you want him to re-ask the question?

16 THE WITNESS: Would you like to re-ask the  
17 question, or should I just continue? I'm fine to  
18 continue.

19 So then we were also given access to 5.5  
20 million records from the voter registration, or VMO8,  
21 profiles, which is voter registration forms, previous  
22 provisional ballot entries. Some of these were Service  
23 Arizona, handwritten -- and this allowed us the  
24 original -- the original goal in this was to allow us to  
25 better understand these voter registration profiles and



1     how they're kept and maintained and what those records  
2     look like and their usability, because that was the  
3     initial concern.

4                     It eventually evolved into us doing a  
5     full-scale audit on the 2020 signature envelopes, the  
6     ballot affidavit envelopes with those affidavits, but we  
7     did extensive research just on the profiles themselves.

8                     THE COURT:    Okay.    Hold on, Mr. Olsen.

9                     Did you want to interpose an objection now  
10    or?

11                    MS. RODRIGUEZ ARMENTA:   Yes, Your Honor.   We  
12    renew our objection to the extent that this is irrelevant.

13                    THE COURT:    Okay.

14                    MS. RODRIGUEZ ARMENTA:   Again, to the extent  
15    that the witness is testifying as to the 2020 election, as  
16    we're here to try allegations about the 2022 election.

17                    THE COURT:    Thank you.

18                    MS. RODRIGUEZ ARMENTA:   Thank you.

19                    THE COURT:    Are you avowing that you have  
20    something to link this up in terms of your proof that you  
21    are offering for the 2022 election?

22                    MR. OLSEN:    Yes, Your Honor.

23                    THE COURT:    Okay.

24                    MR. OLSEN:    Just setting the background  
25    right now.



1                   THE COURT: That's why I asked you the  
2 question.

3                   Okay. I'll allow the leeway to go into this  
4 and then subject to Mr. Olsen linking things up and making  
5 his offer of proof later on.

6 BY MR. OLSEN:

7           Q.     Ms. Busch, what type of storage facilities does  
8 We The People Arizona Alliance maintain for  
9 election-related data?

10          A.     So we actually house and maintain three  
11 independent servers in different locations. One of them  
12 is primarily for the data, and we also have another server  
13 that is set up to do nothing but specifically capture the  
14 live footage of the election department as it comes  
15 through the Maricopa County feeds.

16                  THE COURT: I hate to interrupt. I note  
17 that Mr. Myers is appearing here, is available in the  
18 courtroom. No. No. No. No. Electronically. You're  
19 looking around as though he's walked in.

20                  It's electronically. It's popped up on my  
21 screen. So I don't know. You're just starting out with  
22 this witness, but I don't know if you want to take him now  
23 out of order, because you're going to be shifting gears in  
24 about 15 minutes, and you're just getting started.

25                  What do you want to do?



1                   MR. OLSEN: Your Honor, I would like to  
2 continue with this witness.

3                   THE COURT: I'm sorry then.

4                   MR. OLSEN: Because it won't be that long.

5                   THE COURT: I'm sorry then. I'm taking more  
6 time than it would've taken otherwise.

7                   MR. LARUE: Your Honor, now just real  
8 quickly, Mr. Myers wouldn't know this and hasn't done  
9 anything wrong, but the rule has been invoked and so --

10                  THE COURT: He can't hear.

11                  MR. LARUE: Okay.

12                  THE COURT: It's just showing that he's  
13 sitting here electronically, and he can't see or hear  
14 anything in the courtroom unless I admit him.

15                  MR. LARUE: I understand. I'm sorry, Your  
16 Honor. Yes.

17                  THE COURT: From the live stream, anyone can  
18 watch the live stream. I have to rely on individual  
19 integrity and the attorneys communicating so that people  
20 aren't watching the live stream.

21                  MR. LARUE: Your Honor, can I then ask that  
22 you instruct, once again, over the live stream that any  
23 witness should not be listening, just in case Mr. Myers  
24 is?

25                  MR. OLSEN: Your Honor, we're in contact



1 with him. We could quickly call him and tell him to drop  
2 and then come back on when he's supposed to.

3 THE COURT: That's fine. But the concern he  
4 has is that any witness shouldn't be watching the live  
5 stream any -- any more than they should be sitting in the  
6 back of the courtroom.

7 I just took it at face value that practicing  
8 lawyers would know to let their client know that, and I  
9 have no reason to suspect that they haven't.

10 MR. LARUE: Okay.

11 THE COURT: So apologies. Please continue.

12 BY MR. OLSEN:

13 Q. Ms. Busch, I believe the last question related to  
14 what type of storage facilities We the People Arizona  
15 Alliance maintains for its election-related data.

16 I believe you said up own three separate  
17 servers?

18 A. That is correct. We have one server that's  
19 dedicated to housing the secure data that was provided to  
20 us from the Senate, another one that we prominently use  
21 for data analysis information, and then we have a third  
22 server that captures and maintains all of the live footage  
23 as it comes through the feeds from Maricopa County  
24 Elections Department.

25 Q. And can you describe more, with respect to the



1     latter, what the live feed from the Maricopa County  
2     Elections Department is?

3           A.     Sure.  So part of the statutory requirement in  
4     the state of Arizona is that the elections department has  
5     to have camera footage feeds available to the public  
6     anytime that there's tabulation or ballot movement.

7                     Maricopa County, along with some other  
8     counties that we've captured footage on, actually  
9     maintains those 24 hours a day, seven days a week  
10    throughout the year.

11                    And those are direct link feeds into the  
12    camera system that is set up in Maricopa County tabulation  
13    and elections center, and so our technician that we employ  
14    actually utilizes those links to live capture and archive  
15    all of the footage from the various camera feeds off those  
16    live film so that, when we are looking into a situation or  
17    auditing or trying to learn more about the process, we can  
18    reference those videos and images in -- in our research.

19           Q.     How long have you been -- how long has We The  
20    People Arizona Alliance been capturing those live feeds in  
21    this methodology?

22           A.     Since January of 2021.

23           Q.     Has video captured from these live feeds been --  
24    ever been used in any court or legislative proceeding?

25           A.     We attempted to use some during the legislative



1 proceeding. We have provided some of this footage to  
2 legislators for their own knowledge and records, and  
3 we've -- and we've issued some publicly, but we've never  
4 used any in a trial situation prior to -- to now.

5 Q. Are you familiar with what has been marked for  
6 identification as plaintiffs' Exhibit 19?

7 A. Yes, sir, I am.

8 Q. Did you participate in the creation of  
9 plaintiffs' Exhibit 19?

10 A. Yes. We instructed our technician to take  
11 various date- and time-stamp footage from the signature  
12 verification rooms during the 2022 general and send those  
13 to us, meaning myself and Steve Robinson, where we were  
14 able to view that footage and download specific clips.  
15 We -- we took this particular video clip that's  
16 represented as Exhibit 19, and we provided it to counsel  
17 to mark and enter as an exhibit.

18 Q. And is there a date/time stamp that is placed on  
19 this video footage as it's captured by the service that  
20 you employ?

21 A. Yes. So the -- the camera footage is actually  
22 already date- and time-stamped by Maricopa County, but we  
23 also have an internal date and time stamper that will, in  
24 addition, create another time stamp so that we can  
25 correlate and make sure that the footage is representative



1 of the accurate date and time stamp, and it can be off  
2 sometimes by five seconds here, five seconds there, but it  
3 does allow us to authenticate to the exact moment and time  
4 that something occurred.

5 Q. Can you describe the process by which We The  
6 People Arizona Alliance archived the Maricopa live video  
7 feed?

8 A. Sure. So our -- our technician -- we provide the  
9 links to the cameras, and in this particular instance, for  
10 Exhibit 19, it would be signature verification view 1, I  
11 believe, off of their live link. So, if you were to go on  
12 Maricopa County, you would get that link.

13 So those links run on a computer system, and  
14 all of the feeds that go into that computer system is then  
15 captured by our software and immediately stored and  
16 archived, and it's stored and archived by camera view  
17 and -- so by location and link. So all of our footage is  
18 actually metadata with the -- the camera and link that it  
19 was obtained from.

20 Q. Did you participate in selecting the clip, a  
21 video, that has been -- was placed on -- what has been  
22 marked as plaintiffs' Exhibit 19?

23 A. Yes. That particular clip was actually cut and  
24 uploaded onto our private shared server at my direction.

25 Q. What did you do to ensure that the video clip



1     that was burned onto the CD that has been marked as  
2     plaintiffs' Exhibit 19 is the same video clip that was  
3     archived from the live feed?

4           A.     So I was able to remote access -- actually, Steve  
5     and myself together, remote-accessed into our actual  
6     server and confirmed the footage date, time, and what was  
7     located in the archives of our server and then compared it  
8     to the video footage that our technician sent us to ensure  
9     that it was what we had requested.

10          Q.     And is the video clip that has been placed on the  
11     CD-ROM marked for identification as plaintiffs' Exhibit 19  
12     the actual video footage that you selected?

13          A.     So that exhibit was actually provided to me by  
14     yourself, by counsel, to review and confirm, and I was  
15     able to do that, and I do confirm that it was, actually, I  
16     believe, labeled 19-002, is the footage that we provided.

17          Q.     And is that -- is that an exact duplicate of the  
18     live feed captured and fed in the We The People Arizona  
19     Alliance's server?

20          A.     Yes, it is.

21                   THE COURT:   Let me ask one question for  
22     myself.   Is this -- well, you ask it.

23                   Is this -- is this a -- you're going to  
24     offer it.

25                   Is this a continuous run of time



1       uninterrupted, or is this clips pasted or in any way cut  
2       or adapted?

3       BY MR. OLSEN:

4             Q.     Ms. Busch, is this a continuous video clip  
5       approximately 2 minutes and 30 seconds long?

6             A.     Yes, it is. This is not been edited in any way.

7                    MR. OLSEN: Your Honor, at this time, we  
8       would move to admit plaintiffs' Exhibit 19.

9                    THE COURT: Any objection from defendants?

10                   MR. MORGAN: Only objection I would have,  
11     Your Honor, I want to confirm for the record who added the  
12     blurs.

13                   THE COURT: The what?

14                   MR. MORGAN: The blurs. There are blurs.

15                   THE COURT: Oh, to protect --

16                   MR. MORGAN: In the testimony, it said it  
17     wasn't edited. -

18                   THE COURT: To protect the identity of the  
19     terminal operator.

20                   MR. MORGAN: I know they're there. Who did  
21     it is the question.

22                   THE COURT: Go ahead and ask.

23                   MR. OLSEN: Your Honor, that -- that was for  
24     the demonstrative only. The video, CD-ROM, does not have  
25     the blurred image.



1                   THE COURT:   Okay.   So 19, as offered right  
2   now, is not edited, altered, or in any way changed from  
3   the video footage provided to you by Ms. Busch's  
4   organization?

5                   MR. OLSEN:   Yes, Your Honor.   Correct.

6                   MR. LARUE:   No objection, Your Honor.

7                   THE COURT:   Exhibit 19 is admitted.

8                   MR. OLSEN:   Thank you, Your Honor.

9                   Your Honor, at this time, we have no further  
10   questions.

11                  THE COURT:   Any cross-examination from any  
12   of the defendants.

13                  MR. LARUE:   Yes, Your Honor.

14

15                               CROSS-EXAMINATION

16

17   BY MR. LARUE:

18           Q.    Good afternoon, Ms. Busch.

19           A.    Good afternoon.

20           Q.    Thank you for being here.   I know coming to court  
21   is not always everybody's most pleasant experience.   So we  
22   appreciate you coming.   It's how we arrive at the truth,  
23   and that's what we're trying to do.

24                       Have you ever testified in court before?

25           A.    No, I have not.



1           Q.     Okay. Well, I want to -- I want to kind of lay  
2     the ground rules, and these aren't my rules. They're --  
3     they're what works best for the Court. We try not to talk  
4     over each other, and you did a good job with plaintiffs'  
5     counsel. I would ask you to do the same with me, and I  
6     will try to do the same with you.

7                     Is that fair?

8           A.     Yes, sir.

9           Q.     Okay. The court reporter has to try to take all  
10    this down, and so we both need to speak at a relatively  
11    nice pace, and you did a good job during the first part of  
12    this. I would ask you to do similar here. All right?  
13    Okay.

14          A.     Yes, sir.

15          Q.     So I want to talk about the -- the three servers  
16    that We The People Arizona has.

17                     And first I want to -- I want to ask, are  
18    they We The People Arizona's servers; is that right?

19          A.     So -- yes. Two of the servers are actually owned  
20    by us, and one of them we sublease.

21          Q.     Okay. One you sublease.

22                     And you have -- do you have data from  
23    Maricopa County on all three servers?

24          A.     I can confirm for sure on two of the servers. On  
25    the third server, I can't say for sure, to be honest.



1           Q.    Okay.  Do you have data on the server that you  
2   sublease?

3           A.    No, sir.

4           Q.    Okay.  That's the one you can't confirm?

5           A.    That's the one I can't confirm.

6           Q.    Okay.  All right.  Very good.  Now, on those  
7   servers, any of the three, does We The People Arizona have  
8   any -- any images of Maricopa County early ballot  
9   affidavit envelopes with signatures?

10          A.    Yes, sir.

11          Q.    Okay.  Does We The People Arizona have, on any of  
12   those servers, any other signatures from Maricopa County  
13   that come from the voter registration database maintained  
14   by the -- the recorder?

15                   MR. OLSEN:  Your Honor, I'd like to pose an  
16   objection.  I'm not sure how this is relevant to  
17   authentication of the video.

18                   MR. LARUE:  Your Honor, they opened the door  
19   talking about servers.  I would like to find out what data  
20   they're storing because there are laws in Arizona about  
21   who's allowed to possess voter registration data and what  
22   they're allowed to do with it.

23                   THE COURT:  Are you referring to civil or  
24   criminal statutes?

25                   MR. LARUE:  I'm referring to -- just a



1 minute, Your Honor. I want to be sure that I don't answer  
2 you incorrectly.

3 Your Honor, I cannot say with certainty, but  
4 my understanding, as I stand before you today, and my  
5 belief is that it is only a criminal penalty. I'm not  
6 aware of a civil penalty attaching.

7 MR. OLSEN: Your Honor, I pose one other  
8 objection because it appears as they are seeking answers  
9 towards 2020 data, which they -- counsel has so  
10 vociferously objected to being relevant to this action.

11 So I still would maintain my objection that  
12 this is nothing related to the authentication of the live  
13 video feed, which is what this witness was offered  
14 specifically to do.

15 MR. LARUE: Your Honor, if I speak to that,  
16 or would you rather not?

17 If I can speak --

18 THE COURT: I rather not because what I'm  
19 going to do is say something on the record, and then I'm  
20 going to allow a brief recess and then something to be  
21 conferred, but I want -- Ms. Busch?

22 THE WITNESS: Yes, Your Honor?

23 THE COURT: In fairness to you, you're being  
24 called as a witness, but these are not your lawyers.

25 Do you understand?



1 THE WITNESS: Yes, Your Honor.

2 THE COURT: And if there's some type of  
3 repercussions -- and that's why I ask the question -- of  
4 possible penalties, whatever -- I haven't researched it, I  
5 haven't looked into it, but we're talking about additional  
6 questions being directed at you related to possession of  
7 this information.

8 Mr. Olsen has now pointed out that we're  
9 talking about 2020 data, and there's a tradeoff of  
10 probative value and prejudicial effect, and this is not a  
11 classic 403 analysis that I'm referring to.

12 In other words, I can allow the questioning  
13 to continue. If you wish to offer the evidence that's  
14 related or tied to the foundation of the data that's being  
15 stored, I'm not part of any kind of civil, criminal, or  
16 other ramifications or anything.

17 I'm just piqued in terms of a witness being  
18 called into my courtroom and asked questions, and if  
19 there's criminal repercussions or whatever that may be of  
20 consideration, that's something that she is entitled to --  
21 she has a Fifth Amendment right that she can exercise no  
22 matter who's called her to prevent something happening  
23 with her. She may decide that she wishes to proceed  
24 anyway. This is -- this is her call.

25 This is an excessive caution. This is --



1     this is nothing more than allowing her to have that  
2     information or discuss it.

3                     You basically told me, wait, this is 2020  
4     data. So they're objecting to it. If you intend to use  
5     2020 data, I'm not going to let them ask any more  
6     questions about it because this is your witness.

7                     MR. OLSEN: We don't intend to use any 2020  
8     data, Your Honor.

9                     THE COURT: Then end of discussion. I'm not  
10    asking -- no more questions about the 2020 data. No more  
11    follow-up at this point in time. I'm not going to have  
12    this witness ask -- asked any more questions or have her  
13    answer any more questions under oath about that.

14                    MR. LARUE: Your Honor, that would be fine.  
15    May I ask whether this is the 2020 data or whether it's  
16    the 2022?

17                    THE COURT: No.

18                    MR. LARUE: Okay.

19                    THE COURT: At this point -- because  
20    anything further is -- is stepping down that road, and if  
21    they're not using, 2020 data, they can ask all the  
22    questions they want about 2022 data, but where we stepped  
23    off the path is the 2020 data that you referenced,  
24    Mr. LaRue.

25                    MR. LARUE: Fair enough, Your Honor. I



1 understand.

2 May I ask if she possess 2022 signatures,  
3 2022 signatures?

4 THE COURT: She hasn't testified to anything  
5 related to signature comparisons. As I understand  
6 plaintiffs' claim, that's not what they're arguing.

7 MR. LARUE: Okay.

8 THE COURT: So I'm just -- I don't want you  
9 asking this witness any more questions about anything like  
10 that.

11 MR. LARUE: Understood, Your Honor. I'll  
12 move on.

13 THE COURT: Okay.

14 MR. LARUE: Thank you.

15 THE COURT: Did I misstate or overstep  
16 anything, from plaintiffs' perspective, of what your claim  
17 is and what you intend to prove specifically through this  
18 witness?

19 MR. OLSEN: No, Your Honor. You were spot  
20 on.

21 THE COURT: Very well then. Let's move on  
22 to another area of questioning.

23 MR. LARUE: Okay. Thank you, Your Honor.

24 Are we continuing, or do you want to bring  
25 in the other witness?



1 THE COURT: If you're close to finishing.

2 MR. LARUE: I'm very close, Your Honor.

3 THE COURT: Let's finish.

4 MR. LARUE: Okay. Thank you, Your Honor.

5 BY MR. LARUE:

6 Q. Thank you, Ms. Busch.

7 Let's -- let's talk about the video that you  
8 discussed, and it was Exhibit 19.

9 And you know what video I'm talking about;  
10 is that correct, Exhibit 19?

11 A. Yes, sir.

12 Q. Okay. Thank you.

13 And you testified that it was uncut and  
14 unedited video, I believe; is that -- is that correct?

15 A. Yes, sir. It -- it was obviously clipped out of  
16 an entire lengthy time span, but the clip itself was  
17 unaltered or unedited.

18 Q. Okay. So there was video before it that you had,  
19 and you chose this portion; is that correct?

20 A. That is correct.

21 Q. And video after it. There was video after it,  
22 correct?

23 A. That is correct. It's a long continuous feed, so  
24 it would be several days' worth of footage.

25 Q. Understood.



1                   As you watched this video, were you able to  
2 tell, by looking at the video, whether the man on the left  
3 was marking signatures as consistent or as inconsistent?  
4 Were you able to tell which he was marking?

5                   MR. OLSEN: Objection, Your Honor. I don't  
6 understand the relevance of any of this. She's not being  
7 offered on signature verification. It was something to  
8 authenticate the video.

9                   THE COURT: I thought the objection was  
10 going to be foundation.

11                  MR. OLSEN: And foundation.

12                  THE COURT: Because -- I would sustain on  
13 foundation. She hasn't offered any testimony related to  
14 interpretation of the video.

15                  MR. LARUE: Let's -- let's try it again,  
16 Your Honor. I'm sorry. Thank you.

17 BY MR. LARUE:

18           Q.     So, turning back to the video, do you know what  
19 it is a video of, what it's showing?

20           A.     Yes, sir. This is video footage of signature  
21 verification room 1 and employees, be it temporary or full  
22 time, verifying signatures for the 2022 general election.

23           Q.     Okay. And how do you know that?

24           A.     I know that because I've been watching this  
25 footage for a long time. I've also confirmed these camera



1 feeds with people who have worked within the room  
2 themselves who have validated that that is what is taking  
3 place and where it takes place.

4 Q. Okay. So it's your understanding that the people  
5 in the video are doing signature verification; is that  
6 correct?

7 A. Yes.

8 Q. Okay. Are you able to tell what action they're  
9 taking with respect to any particular signature in that  
10 video?

11 THE COURT: That's a yes or a no.

12 THE WITNESS: Yes.

13 BY MR. LARUE:

14 Q. How are you able to tell what action they're  
15 taking?

16 A. What I know is they're moving from one signature  
17 to another signature. I can also tell when -- when the  
18 camera scrolls whether they're looking at additional  
19 reference signatures. And I cannot -- I cannot tell  
20 whether they're accepting or rejecting.

21 Q. You cannot tell whether they're accepting or  
22 rejecting.

23 Okay. Do you know whether that is the first  
24 or second signature review?

25 MR. OLSEN: Objection, Your Honor.



1 Foundation, form.

2 THE COURT: I think that he's asking for her  
3 understanding. It's a yes-or-no question.

4 MR. LARUE: Uh-huh.

5 THE COURT: If she's able to tell, she can  
6 answer.

7 First of all, ma'am, do you understand the  
8 question? I can have it rephrased for you, if you don't.

9 THE WITNESS: Yes. I understand the  
10 question, but now I need you to repeat it. I'm sorry.

11 BY MR. LARUE:

12 Q. Well, let me -- let me lay some foundation, not  
13 that we need to, but just to be sure we're both talking  
14 apples and apples.

15 Are you -- are you aware that before a batch  
16 of ballots is sent on to level 2, signature 1 reviewers go  
17 back through that match?

18 A. Can you repeat that?

19 Q. Are you aware for a batch of ballots, 250  
20 ballots, envelopes, are sent on to level II, that level I  
21 reviewer is told to go back through that batch and make  
22 sure that what they marked is what they meant to mark?

23 A. I have no way of knowing whether that took place  
24 or not.

25 Q. Okay. So you're not aware whether the signature



1 reviewers are told to do that; is that correct?

2 A. No.

3 Q. Okay.

4 A. No.

5 Q. So, with that being the case, you would have no  
6 way of knowing whether it's the initial review or whether  
7 it's the follow-up check review; is that correct?

8 A. No.

9 Q. Okay. And because we don't have the video of  
10 what transpired before, there is no way to know, from that  
11 video, whether the man on the left took 40 seconds per  
12 signature prior to that video, is there?

13 MR. OLSEN: Objection, Your Honor.  
14 Foundation. This witness is not being offered as a  
15 signature verification worker.

16 THE COURT: No.

17 MR. OLSEN: There's already been testimony  
18 about this.

19 THE COURT: That, I understood, but I think  
20 that the question goes to the witness had access to the  
21 clips before and after it and could've reviewed those  
22 if -- if -- but ask it more clearly to her, if you would.

23 MR. LARUE: You know what, I don't really  
24 think we really need it. Your Honor, we'll -- we'll move  
25 on.



1                   And that is all the questions that I have  
2   for you, Ms. Busch. Thank you.

3                   THE WITNESS: Thank you.

4                   THE COURT: Is there any redirect?

5                   MR. OLSEN: No, Your Honor.

6                   THE COURT: Okay. May we excuse this  
7   witness?

8                   MR. OLSEN: Yes, Your Honor.

9                   THE COURT: Defendants, may we excuse this  
10   witness?

11                  MR. LARUE: Yes, Your Honor. Thank you.

12                  THE COURT: Ms. Busch, thank you.

13                  THE WITNESS: Thank you.

14                  THE COURT: You are free to go, ma'am.

15                  Okay. Let's get your remote witness online,  
16   please.

17                  MR. O'CONNOR: Your Honor, I'm assuming he  
18   will appear on this little screen right here probably for  
19   questions need to be right in front of it?

20                  THE COURT: You're asking the wrong person.

21                  MR. O'CONNOR: I understand.

22                  THE COURT: Mr. Myers?

23                  THE WITNESS: Yes, sir.

24                  THE COURT: You're able to hear me?

25                  THE WITNESS: Yes, sir.



1 Can you hear me?

2 THE COURT: I can. I can -- I can hear you  
3 clearly.

4 Counsel, can everybody hear the witness?  
5 Yes?

6 MR. OLSEN: Yes, Your Honor.

7 MR. O'CONNOR: I can, Your Honor, yes.

8 THE COURT: Okay. Can you hear that when  
9 they spoke from their microphones, Mr. Myers?

10 THE WITNESS: Yes, I can.

11 THE COURT: Very good. Mr. Myers, I'm going  
12 to have you sworn in first, sir. You don't need to stand  
13 up for this, but I do need you to raise your right hand.  
14 My clerk will administer an oath to you, and then we'll  
15 begin your testimony.

16 (Whereupon the witness is sworn.)

17 THE COURT: Thank you, sir.

18 Who's going to take this witness?

19 Mr. Olsen, you may proceed.

20 Is everybody able to see what they need to  
21 see in terms of the witness' appearance?

22 MR. O'CONNOR: Yes, Your Honor.

23 MR. OLSEN: Yes, Your Honor.

24 THE COURT: Okay. Please proceed. You can  
25 do it from either place.



1

2

W. ANDREW MYERS

3

having been first duly sworn,

4

is examined and testifies as follows:

5

6

DIRECT EXAMINATION

7

8

BY MR. OLSEN:

9

Q. Good afternoon, Mr. Myers.

10

A. Good afternoon.

11

Q. I assume you can hear me okay?

12

A. I can.

13

Q. Would you please state your name for the record.

14

A. W. Andrew Myers.

15

Q. And what is your understanding of why you are

16

here to testify today?

17

A. To discuss signature verification that occurred

18

during the 2022 general election.

19

Q. Do you live in Arizona currently, sir?

20

A. Yes, sir.

21

Q. How long have you lived in Arizona?

22

A. Seventeen years.

23

Q. When did you become involved in election

24

processes in Arizona, besides voting?

25

A. I would say it was June of 2022 when I worked the



1 primary.

2 Q. Had you ever worked in any election-related  
3 activity in another state before that?

4 A. No.

5 Q. Why did you decide to get involved in the Arizona  
6 2022 primary?

7 A. You know, I just heard a lot of people  
8 complaining, and I found myself as one of those, and I  
9 decided I was going to do something to help out.

10 Q. And when you say you heard people complaining,  
11 what were they complaining about?

12 A. You know, just about elections and weren't happy  
13 with the way things were going at Maricopa County, and I  
14 felt like I should volunteer to help out.

15 Q. What is your understanding of the purpose of  
16 signature verification?

17 A. That the voter is to sign the affidavit, stating  
18 that that's -- that they are the voter, and that we're  
19 supposed to, as signature verification people, verify that  
20 against -- count signatures that are in the database to  
21 make sure that that is who that person says they are via  
22 their signature.

23 Q. Did you go through any kind of training for  
24 signature verification put on my Maricopa?

25 A. Yes, I did. In the primary.



1           Q.     And was this in the July 2022 time frame that you  
2     underwent your training?

3           A.     Either late June or early July.

4           Q.     Can you describe for the Court the training that  
5     you were given for signature verification?

6           A.     They brought in a signature specialist. I can't  
7     remember what the actual title that she had. That was  
8     about four hours long that was discussing basic  
9     signatures, characteristics of signatures, you know,  
10    things that people do when they're signing their name  
11    or -- or people that are maybe trying to commit fraud,  
12    what they typically might do or not do when they're doing  
13    signatures.

14          Q.     Besides that four hours of training you just  
15    mentioned, was there any other training given by Maricopa  
16    for signature verification?

17          A.     You know, I think there was a little bit of it  
18    done during our orientation in July about what -- what to  
19    expect, and they kind of walked us through a little bit of  
20    what we would be seeing, so to kind of orient us to the  
21    envelopes and what -- what our expectations were going to  
22    be of us.

23          Q.     Another witness who participated in signature  
24    verification for the 2022 primary testified about a  
25    week-long course that was about eight hours a day for



1 the -- Monday through Friday.

2 Did you participate in any type of course  
3 like that?

4 A. Not that I remember.

5 Q. Did you have any classroom training in signature  
6 verification beside the four hours that you -- four hour  
7 course that you mentioned?

8 A. No.

9 Q. Can you describe the process by which Maricopa  
10 taught you to review signatures?

11 A. So, when the affidavit would come up on the  
12 screen, Celia Nabor would tell us that there's four points  
13 that you -- before you advance to anything that you  
14 verify, so that the affidavit, the current one, the live  
15 one, as I would call it, has the voter's name and their  
16 signature, and that the counter one, which would be in the  
17 right-hand signature, again, would have the -- the voter's  
18 name printed on it, and that there would be a signature  
19 underneath. So that would be, you know, the go, no-go.

20 If they didn't have or you couldn't make out  
21 the voter's name on the envelope, for some reason, it got  
22 cut off, you were to just simply accept it because they  
23 needed to redo that one or -- or go to a level II review,  
24 something like that.

25 And then, once you did that, then you were



1 basically taught to -- to kind of look at the general  
2 signature first, you know, kind of get a feel for it,  
3 compare it to the other one in the right-hand corner, and  
4 then I would just start from the left-hand side of the  
5 signature, again, to look at the -- the letters -- or the  
6 signature itself, start to look at spacing, start to look  
7 at the slant.

8                   You know, so on the live ballot, was the  
9 signature going straight across on the line, and then  
10 maybe the counter signature, it was going upwards, then  
11 you got some problems there. So you're looking at the  
12 lettering, how they're formed. Then you're also looking  
13 at spacing.

14                   You know, there was discussions about pen  
15 drop. Sometimes, because the resolution was so low, you  
16 really couldn't make a determination if there was a -- you  
17 know, an actual -- sometimes a period afterwards and stuff  
18 like that.

19                   But then, again, you know, you're looking at  
20 the slanting, you're looking at the spacing. You kind of  
21 look at the overall signature and move on from there.

22           Q.     Did you perform signature verification  
23 exclusively throughout the 2022 primary?

24           A.     For the bulk of it, yes, but then I got involved  
25 with about five days prior to the actual election day



1     doing curing. So sometimes I'd come in in the morning and  
2     would do a couple batches of signatures and then go into  
3     the big room where all the U.S. postal bins were with the  
4     affidavits and -- and do the curing there.

5           Q.     Okay. Was the curing function and the level I  
6     signature review in the same room?

7           A.     In the primary, no.

8           Q.     Can -- how was it set up?

9           A.     So it was known as the big room, and so a  
10    large -- the large room, the neck-back, what -- what the  
11    setup was, there was, you know, like 6 by 3 folding  
12    tables. Then there was these -- I forget. They call them  
13    baker's racks or whatever.

14                    So we would put the green envelopes in  
15    alphabetical order. There was about 23 U.S. postal bins,  
16    and then we put them on the baker's rack, and then the  
17    tables that we had, you know, where we would get the  
18    printout from e-mail or maybe Text Secure, you would pull  
19    those bins down, you'd pull like a bin of them and go  
20    through some of these printouts that voters had verified  
21    the information, that that was actually them, and marry up  
22    that paperwork with the affidavit itself.

23           Q.     Can you describe for me the -- the setup for the  
24    2022 primary in terms of number of workstations for level  
25    I and II?



1           A.     The signature verification?

2           Q.     Yes.

3           A.     So I was in the other room.  So the one room I  
4     was in, there was probably -- there was probably 10  
5     monitors, which is what a signature verifier would use,  
6     but I think, at the end, we only had maybe seven people  
7     doing signature verification in my area, and then the  
8     other room where you mentioned, the level II, the  
9     managers, were in there.

10                     The setup was probably another 10 signature  
11     verifiers and -- and then three level II and two managers.  
12     There was one manager in my office -- my office, my area.

13           Q.     So, with respect to signature verification, in  
14     the 2022 primary for which you participated in, were there  
15     only two rooms where level I signature review was  
16     conducted, as far as you know?

17           A.     Yes.

18           Q.     Were you aware -- strike that.

19                     And it's your recollection that there were  
20     about 17 workstations for level I?

21           A.     Something like that, yeah.

22           Q.     And --

23           A.     Because it's been a while, so yeah.

24           Q.     And it's your recollection that there were three  
25     level II workstations?



1           A.     Correct.

2           Q.     Who were the managers that you mentioned during  
3 the 2022 primary?

4           A.     Celia Nabor oversaw it all; Tony, I think his  
5 last name was Ortiz; Aloma; and Michelle. I don't know  
6 their last names.

7           Q.     Approximately how many days a week did level I  
8 signature review happen during the 2022 primary?

9           A.     I would say three to four weeks. So we were  
10 brought on, and I can't remember exactly, but I think they  
11 mail out the actual ballots 21 days prior to the election  
12 day. So we were brought on for that.

13                         So within days of the ballots being mailed  
14 out -- so, you know, within that 21 days -- we -- we  
15 started doing signature verification, and then we were on  
16 until there's a drop-dead -- deadline of seven days after  
17 the election for ballots to be counted, things like this.  
18 So we were there for -- for that period. So about four  
19 weeks, I guess.

20          Q.     Was level I signature review conducted seven days  
21 a week, or was it six days or five days?

22          A.     During the primary, we were doing it Monday  
23 through Friday. Two weeks prior to the election, we were  
24 doing Monday through Friday and Saturday and some Sundays.  
25 I didn't do the Sundays.



1                   We were brought in, I think it was like 8:00  
2     in the morning 'til 4:00 or 4:30. I can't remember. But  
3     we were doing a lot of overtime then, as well. So -- and  
4     then -- and then the weekend after the election, we were  
5     involved in it Saturday and, I think, Sunday, as well.

6           Q.     Do you know how many shifts there were during the  
7     2022 primary of level I signature reviewers?

8           A.     I know there was -- I know the dayshift, and I  
9     know there might've been some nightshifts but not that I  
10    totally remember that there was a lot of people doing  
11    nights.

12          Q.     Did you --

13          A.     They were mainly coming in to do calls, if I  
14    remember right.

15          Q.     Did you ever work the nightshift during the 2022  
16    primary?

17          A.     No.

18          Q.     Do you know when the nightshift would end during  
19    the 2022 primary?

20          A.     I really don't. Again, like I said, we were  
21    working probably -- especially two weeks ago, we were  
22    working 'til 6, 7 o'clock at night, and some -- some  
23    people were, you know, working 'til 8, 9 o'clock at night  
24    from the dayshift. So I can't tell you, but really --  
25    like I said, most of it -- the nightshift seemed like they



1     were really there to make calls, not signature  
2     verification.

3           Q.     When you say the work --

4           A.     But I --

5           Q.     When you were saying the work that was being  
6     done, was there anything, other than level I signature  
7     verification, that you were referring to?

8           A.     Well, there was, you know, level II verification  
9     going on, and then, like I said, with five days left, then  
10    I was doing the curing process and some signature  
11    verification.

12          Q.     Okay.  Who were the level II signature  
13    verification workers that you know?

14          A.     A gentleman by the name of Jeff and a gentleman  
15    by the name of Andrew, and I cannot remember the other  
16    person's name.

17          Q.     Were those three gentlemen level II signature  
18    reviewers during the 2022 primary and the 2022 general  
19    election?

20          A.     Yes, sir.

21          Q.     Did you participate in the 2022 general election  
22    as a signature review or some other function?

23          A.     Brought in as signature reviewer or verification.  
24    Because of -- because it was really hectic when we were  
25    doing the curing process in the primary -- again, these



1 are U.S. postal bins.

2 And we would get them in alphabetical order  
3 in the morning, and we just had everybody coming in and,  
4 you know, if somebody came in it and said they needed to  
5 sign something or -- people are just pulling the  
6 affidavits right and left, and it was always a mess the  
7 next day.

8 So -- so Celia and her team reorganized the  
9 way we were going to do curing. There was only going to  
10 be three people that were going to be involved in the  
11 curing process, and nobody was going to get involved in  
12 the bins to -- to minimize the hecticness.

13 And -- and that lasted for about -- about  
14 two weeks, and then that went out the window but -- you  
15 know, so early on, I would do signature verification in  
16 the afternoon, help with the curing process.

17 After about, I'd say, four days, the  
18 workload of curing was such that I was not being asked to  
19 do signature verification first thing in the morning. I  
20 was just doing curing moving forward full time.

21 Q. Was there a difference in the signature  
22 verification process in terms of the numbers of level I  
23 and level II verification workers between the 2022 primary  
24 and the 2022 general?

25 A. Yeah. There was -- there was more signature



1 verification -- people doing signature verification. The  
2 room that I was in originally was the same room I was in  
3 for the general, and they reorganized it so it was  
4 organized, and there was about 15 people. So I would say  
5 to uphold a number that was in the primary that were in  
6 that room.

7 Q. And were there shifts as in the primary for the  
8 general?

9 A. Yeah. There was distinct shifts. There -- we  
10 were 7:30 to 3:00, and then there was -- I think they  
11 really started at 3:30, went to 7:30 maybe. I can't  
12 remember that one. Maybe it's 3:00 to 7:00 or something  
13 like that.

14 Q. So how many level I signature verifiers were  
15 participating, to your knowledge, in the 2022 general  
16 election?

17 A. There was 15 in my room. So -- and I think there  
18 was probably another maybe 10 nightshifts in there. So  
19 that's 25. And then, you know, 10 in the other room. So  
20 that's 35, plus couple extra in nightshifts in that other  
21 room, so maybe 40.

22 Q. Are you -- 40 level I signature reviewers?

23 A. Yes.

24 Q. All right. How many level II reviewers were  
25 there?



1           A.     Still three.

2           Q.     Did the 2022 general election involve more  
3     signatures to verify than the 2022 primary?

4           A.     Very much so. I think the workload more than  
5     doubled.

6           Q.     And the number of level II signature verifiers  
7     did not increase, you testified?

8           A.     No, it did not.

9           Q.     What about the number of days of a week when  
10    signature verification was being performed.

11                   Was that seven days a week during the entire  
12    period or something less?

13          A.     Much less than the primary.

14          Q.     Do you have an understanding of why it was less  
15    than the primary if there were -- you know, you doubled  
16    the ballots or signature to verify?

17                   MR. O'CONNOR: Objection. Speculation,  
18    foundation.

19                   THE COURT: It's a yes-or-no question, but  
20    I'd like you to rephrase it because -- just rephrase it.

21                   MR. OLSEN: Yes, sir.

22                   THE COURT: I didn't follow it from the last  
23    question.

24    BY MR. OLSEN:

25          Q.     Did you have any concerns about the number of



1 level II signature verifiers in light of the additional  
2 ballots or signatures coming in for the 2022 general?

3 A. Didn't make sense. And I don't know if it  
4 just -- it didn't make sense that we were going to double  
5 the number of ballots that were -- affidavits needed to be  
6 verified, checked, and we were going to double the  
7 workload, but they did not change the number of allotment  
8 of level II verifiers.

9 Q. Did you witness any disruption caused in the 2022  
10 general primary by these additional ballots coming in with  
11 respect to the level II signature verification process?

12 THE COURT: You just asked the primary.  
13 That's what you said.

14 MR. OLSEN: My apologies, Your Honor.

15 BY MR. OLSEN:

16 Q. Mr. Myers, with respect to the 2022 general  
17 election, did you witness any disruption in the process of  
18 signature verification with the additional ballot --  
19 ballot signatures coming in while maintaining the same  
20 number of level II signature verification workers?

21 A. I -- I just don't know how they did it, because,  
22 you know, they -- and I know one of them was staying late,  
23 but I just don't know how they accomplished with just  
24 three verifiers for level II.

25 Q. Did --



1           A.     Because they were -- they were working hard in  
2     the primary.

3           Q.     Did you ever learn about -- did you ever talk to  
4     any of the level II signature verification workers?

5           A.     Yes.

6           Q.     And did they voice any concerns about being able  
7     to complete level II signature verification that was in  
8     their queue?

9           A.     Yeah. And they would talk to me. I was friends  
10    with one of them. We would -- lunch or breaks or  
11    whatever. He would always tell me that I was going to get  
12    crushed, that he was just working through, as he called  
13    it, garbage, and that I would get crushed, you know,  
14    because there's a lag.

15                   When I would see the -- the end product  
16    verse what everybody else signature -- level I is going to  
17    accept the affidavit, which is then going to kick it to  
18    level II, and then level II is going to review it. So,  
19    you know, it's Monday. I'm not going to see that envelope  
20    until probably Wednesday, and so he would always tell me,  
21    I'm going to get crushed, and you know, that's the  
22    information I would get from him, that -- that he was  
23    working through a lot of garbage.

24           Q.     And did you get crushed?

25           A.     It stayed consistent, which was kind of -- it was



1 odd to me. The math just wasn't adding up, that he's  
2 telling me I'm going to get crushed. I assume the other  
3 two level II had the same thing. They seemed to have the  
4 same caliber and work ethic.

5 And consistently it was about 700 to a  
6 thousand a day that we would get in the curing process,  
7 which is the result of level II accepting the affidavits.

8 Q. What was your expectation of the number of  
9 ballots that you would receive in the curing process based  
10 on discussions with the level II reviewers?

11 A. I expected to see double that amount, some, you  
12 know, 15 hundred, 2,000.

13 Q. Did you ever hear of level II signature reviewers  
14 not performing reviews and kicking the signatures back to  
15 level I?

16 A. I heard of -- so the managers would also review  
17 signature -- rejected or accepted signatures. That was  
18 part of their job. So with -- my understanding was when  
19 their queue got full, when they had other things to do,  
20 they would release the rejected signatures back to level I  
21 to see if they got the same result.

22 Q. What do you mean they would release it back to  
23 level I to see if they got the same result?

24 A. Instead of reviewing it, they would just send  
25 that product back to the level I to have them re-review



1     it, but we didn't know it. We were just reviewing it  
2     again.

3           Q.     And how do you know it was -- the signatures were  
4     being verified again?

5           A.     So, when you're doing signature verification, a  
6     lot of times -- not a lot of times. Sorry. I misspoke on  
7     that.

8                     You come across very unique names, very  
9     unique signatures, very unique characteristics, and so  
10    when, all of a sudden, you saw it a second time, that's  
11    when you realize this -- this was coming back at you for  
12    another review.

13          Q.     How frequently did that happen in -- that you  
14    learned about?

15          A.     I would say the frequency would rapidly go up as  
16    we got further -- as we got closer to the election day,  
17    ballots coming in, reviews happening that the volume would  
18    just get to the point where it was more frequent as we got  
19    more volume in.

20          Q.     And when you say "it was more frequent," what was  
21    more frequent specifically?

22          A.     That the managers were releasing that, and then,  
23    I think, at some point, it had to go into level II,  
24    because the managers just weren't keeping up with it.

25          Q.     And so, when you say the managers were releasing



1     that, are you talking about releasing signatures back to  
2     level I that level I had already rejected?

3           A.     Yes, sir.

4           Q.     And you believe that the frequency of that  
5     increased as the -- as election day approached?

6           A.     Yes. And then you noticed that it just dropped  
7     off, and I think that that's when everything was routed to  
8     level II.

9           Q.     You testified a few moments ago that -- when you  
10    said "the math didn't add up," in terms of the number of  
11    ballots you expected to receive to cure from level II?

12          A.     Correct.

13          Q.     Do you recall signing a declaration in this  
14    action describing what you did during the 2022 general  
15    election?

16          A.     Yes, sir.

17          Q.     All right. Do you recall making a statement  
18    about the percentage of ballots or signatures you would've  
19    expected to receive for curing based on your conversations  
20    with the level II signature verifiers?

21          A.     Yeah. Based on conversations, I was expecting to  
22    see, you know, somewhere around -- so let me back up.

23                   We averaged, on any given day, I would  
24    estimate, 60,000 signatures to be verified. And so, you  
25    know, let's just say I was expecting somewhere between 15



1     and -- and 30 percent based on what I was hearing.

2                     And so just doing a quick math with 20  
3     percent, that would be 12,000 rejections, but I was only  
4     seeing 800 to a thousand, so a lot less than what I  
5     expected to see. That's kind of what I mean by the math  
6     didn't add up.

7             Q.     So that's about 10 percent of what you expected  
8     to see?

9             A.     Yeah. Something like that.

10            Q.     As you -- as November 8th came, was there -- what  
11     happened after November 8th in terms of signature  
12     verification at MCTEC?

13            A.     So November 8th, we got in that night. MCTEC,  
14     the County, got in something -- we were told of 298,000  
15     affidavits that needed to be processed.

16                     And so we really -- I mean, because it comes  
17     in on the 8th, really it was the morning of the 9th, all  
18     those affidavits were sent to Runbeck to have them do what  
19     Runbeck does to get them formatted and into the database.  
20     So we really didn't start to see any of the election night  
21     return information -- or data until probably Wednesday  
22     afternoon.

23                     And then, by Friday, it was done. It was --  
24     all 298,000. We were done with those what we were told,  
25     which made no sense. If we could only do 60,000, 70,000 a



1 day, you know, we -- we surely couldn't have done that in  
2 36 hours is basically what it was.

3 And then I -- I left on the 14th. I think  
4 that was Monday. I never saw any more ballots to be  
5 cured, and I would've expected, after 298,000, to have  
6 seen 5- or 7- or 8,000 ballots that needed to be cured but  
7 never saw that.

8 Q. Between November 9th and the 11th, how hard were  
9 the signature verification workers working on those two  
10 days, three days?

11 A. Not that hard, compared to the primary when we --  
12 we got crushed that -- we were working overtime. I was  
13 leaving at 3 o'clock, and the second shift was coming in,  
14 and I -- it just stunned -- and it stunned me.

15 Q. Why did it stun you?

16 A. The sheer volume of that would've, I thought,  
17 necessitated all hands on deck, we're going to work  
18 Saturday, Sunday, everybody's going to work late in the  
19 night. We got to get this thing done.

20 Q. How many hours would -- strike that.

21 Do you know how many hours signature  
22 verification took place at MCTEC in the two rooms that you  
23 were witness to between November 9th and November 11th?

24 A. Just the standard hours. You know, we were 7:30  
25 to 3:00, left at 3:00 and then, you know, the second



1 shift, 3:30 to 7:30. So, you know -- what is that -- 10  
2 hours. I mean, I guess, trying to add it up in my head.  
3 Ten hours each day.

4 Q. Were there observers in those rooms?

5 A. Yes, sir.

6 Q. Do you know -- have any idea how Maricopa was  
7 able to process the 290,000 ballots, 298,000 between  
8 November 9th and 11th with just a half dayshift?

9 A. No.

10 Q. Did you ever speak with Celia Nabor or any other  
11 manager about that?

12 A. No. It -- it was kind of a shock. They walked  
13 in on Friday to tell us, hey, you know, we -- we got it  
14 done. I had told my wife that morning that I was going to  
15 be working weekends because of the volume, and nothing  
16 happened.

17 MR. OLSEN: Plaintiffs have no further  
18 questions at this time, Your Honor.

19 THE COURT: Okay. Cross-examine?

20 That means, Mr. Myers, there's going to be  
21 other questions by the attorneys representing the State  
22 defendants.

23 THE WITNESS: Yes, sir.

24

25 CROSS-EXAMINATION



1

2 BY MR. O'CONNOR:

3 Q. Mr. Myers, can you see me?

4 A. Yes, sir.

5 Q. More importantly, can you hear me?

6 A. Yes, sir.

7 Q. Good afternoon, Mr. Myers. My name is Jack  
8 O'Connor. I'm with the Maricopa County Attorney's Office.

9 A. Good afternoon.

10 Q. I don't know if you can see on the screen here,  
11 but there's a court reporter right in front of me. She's  
12 taking a transcript of our conversation this afternoon.13 And like you did with Mr. Olsen, I'll be  
14 asking you a series of questions, and then if you could  
15 wait 'til my question is over before you answer, it will  
16 allow us to get a -- a clean record, and we won't get in  
17 any trouble.18 I'm also going to hopefully be asking a  
19 series of yes-or-no questions. So, if you could just  
20 answer those yes or no.21 If at any point in time, you don't  
22 understand my question or, because of internet service,  
23 you did not hear my question, please let me know, and I  
24 will -- I will ask it again.

25 A. Yes, sir.



1           Q.    You had testified that you were hired as a County  
2   employee to participate in signature verification and  
3   curing.

4                       Were you compensated for that -- for that  
5   work?

6           A.    Yes, sir.

7           Q.    Okay.  And did you receive a physical check,  
8   direct deposit?

9           A.    Direct deposit.

10          Q.    Prior to participate -- or you know, working for  
11   the County, what's your prior experience?  What do you --  
12   what do you do for a living, if you don't mind me asking?

13          A.    At that time, I was a Farmers Insurance agent.  I  
14   was a medical device rep, which 25 years of doing this.

15          Q.    Okay.  And so it's safe to say that you don't  
16   have any prior experience in technical analysis of  
17   signature ver- -- signatures; is that correct?

18          A.    That's correct.

19          Q.    Okay.  And so the first time you were exposed to  
20   signature verification -- signature verification science,  
21   for a lack of a better word, was that the training that  
22   you participated in in June or July?  Is that -- is that  
23   safe to say?

24          A.    Yes, sir.

25          Q.    Okay.  And what -- what did you view your -- your



1     role or your duty as a signature -- signature verification  
2     employee to -- to be? What was your responsibility?

3           A.     To make sure that every legitimate vote counted  
4     based on a person's signature.

5           Q.     And part of that is analyzing the signature  
6     received on that new affidavit with the prior -- with the  
7     previous signatures; is that correct?

8           A.     That's correct.

9           Q.     Okay. During your testimony, you went over sort  
10    of this meticulous detail about what you would look at. I  
11    believe you described yourself getting this -- the -- the  
12    ballot affidavit envelope for the 2022 election, and you  
13    would start at the left-hand side looking at the spacing,  
14    the slants, the letterings, so on and so forth.

15                   Why did you do that?

16          A.     It just seemed logical to start from the left  
17    side. That's how we all sign our stuff is we go from left  
18    to right.

19          Q.     I mean, am I correct saying you -- that's a  
20    detailed approach?

21          A.     Yes.

22          Q.     Okay. And you wanted to do a good job at the  
23    signature verification; is that correct?

24          A.     That is correct.

25          Q.     And do you think you did a good job?



1           A.     I think I did.

2           Q.     Oh, and I -- I should've said this at the  
3 beginning. You know, on behalf of the County, I do want  
4 to thank you for -- and the County wants to thank you for  
5 participating in this. As you saw firsthand, it's a busy  
6 several weeks, and the County cannot perform an election  
7 without its citizens -- and I know you're paid -- but  
8 volunteering their time to allow this election to go  
9 forward. So I do want to -- I do want to thank you for --  
10 for that. So I should said it at the beginning. I  
11 apologize.

12                         Now, it's safe to say you -- you determined  
13 some signatures were good signatures; is that correct?

14          A.     Yes.

15          Q.     Okay. And some were inconsistent or --  
16 inconsistent signatures for whatever reason, and those  
17 were exception; is that correct?

18          A.     Correct.

19          Q.     Okay. And I didn't hear any testimony that you  
20 were what's considered a level II reviewer, correct?

21          A.     No.

22          Q.     Okay.

23          A.     I was level I.

24          Q.     Level I.

25                         In -- let's move on to the curing real quick



1     briefly. There was some testimony about how this math did  
2     not add up, and you used phrases like would -- I would've  
3     estimated, or I would've expected to see, based off your  
4     conversation with other people within MCTEC.

5                     Those were -- the information you got were  
6     estimates, correct? You did not know for certain what you  
7     were supposed to receive that night?

8             A.     Yes.

9             Q.     And you participated in the curing process, it  
10    sounds like, during the end of the election?

11            A.     For the primary towards, the end of the election;  
12    for the general, I pretty much did it from three days into  
13    the job.

14            Q.     Okay. So, for the general, you were more --  
15    you -- I don't know -- specialize.

16                     Your role was more to the curing aspect  
17    of -- of bad signatures; is that correct?

18            A.     Yes.

19            Q.     Okay. Back to my general versus primary, did you  
20    perform any level I signature verification for the general  
21    election?

22            A.     Yes.

23            Q.     Okay. There was a claim made earlier that the  
24    County did not perform verification, and the signatures  
25    were not reviewed at all.



1                   Based on your testimony, is that a correct  
2     statement?

3                   MR. OLSEN:   Objection.   Form.

4                   THE WITNESS:   That no signatures were  
5     verified?

6                   MR. OLSEN:   Your Honor, objection.   Form and  
7     foundation, and I don't understand --

8                   THE COURT:   Let's re-ask it.   I think he's  
9     got a point.

10                  MR. O'CONNOR:   I have a point or -- I have a  
11     point, or Mr. Olsen has a point?

12                  THE COURT:   Mr. Olsen has a point.

13                  MR. O'CONNOR:   Okay.

14                  THE COURT:   I'm sustaining it, so just  
15     rephrase it, please.

16     BY MR. O'CONNOR:

17                 Q.    Okay.   Let's cut to the chase.   You reviewed  
18     signatures of the general election; is that correct?

19                 A.    Yes.

20                  MR. O'CONNOR:   OKAY.   No further questions,  
21     Your Honor.

22                  THE COURT:   Any other cross-examination by  
23     any other defendants?

24                  MS. RODRIGUEZ ARMENTA:   No, Your Honor.

25                  MR. MORGAN:   No, Your Honor.   Thank you.



1                   THE COURT:   Very long then.   Redirect,  
2   Mr.   Olsen?

3                   MR. OLSEN:   Your Honor, I have brief  
4   redirect.

5                   THE COURT:   You may proceed with redirect,  
6   Mr. Olsen.

7

8                   REDIRECT EXAMINATION

9

10   BY MR. OLSEN:

11           Q.    Mr. Myers, you were asked a question about your  
12   statement that the math did not add up, and I believe you  
13   testified that that was an estimate.

14                   Do you recall that?

15           A.    Yes.

16           Q.    What was THAT --

17           A.    Yes.

18           Q.    What was that estimate based on?

19           A.    Just with 298,000 envelopes coming in, that we  
20   got it done in 36 hours, the math that I based it on was  
21   that we would get -- every day, they would give us update  
22   of how many signatures came in.

23                   So, typically, it varied anywhere from 60-  
24   to maybe 75,000, sometimes maybe even 80-, but I felt, you  
25   know, just an average of 60,000 -- so at 60,000 and you



1 take 40 people doing signature verification a day, that's  
2 240 ballots. It's going to take four to five days to do  
3 the 298,000. It was done in 36 hours. And we're talking  
4 about people only working maybe, what, 10 hours a day. So  
5 that just doesn't add up.

6 And then this -- the 298,000 is kind of like  
7 a rat going through a snake. It's pretty easy to track  
8 this. And I'm at the end of this, with curing, expecting  
9 a -- you know, a U.S. bin of rejected signatures by level  
10 I, level II, and I never got that. That's impossible.

11 MR. OLSEN: Okay. Your Honor, plaintiffs  
12 have no further questions.

13 THE COURT: Thank you.

14 May we excuse the witness?

15 MR. O'CONNOR: Yes, Your Honor.

16 MR. OLSEN: Yes, Your Honor.

17 THE COURT: Okay. Thank you very much,  
18 Mr. Myers. You're excused.

19 THE WITNESS: Thank you, sir.

20 THE COURT: I think, for the court  
21 reporter's sake, we'll take a break right now for the 15  
22 minutes. Court reporter breaks are always 15 minutes.  
23 That's OSHA. So we'll take that right now.

24 Who is your next witness that you've got?

25 MR. BLEHM: Valenzuela, Your Honor. Ray



1 Valenzuela, Your Honor.

2 THE COURT: Okay. Thank you.

3 All right. And then after that, as far as  
4 remaining witnesses, you have your expert, Mr. Speckin,  
5 and then Yvonne Nystrom; am I right?

6 MR. OLSEN: Yvonne Nystrom will not be  
7 appearing, Your Honor.

8 THE COURT: Oh, okay. So just those two,  
9 and that doubles up because defendants only -- only  
10 witness is also Mr. Valenzuela.

11 Are you standing for a reason, or are you  
12 ready to get out of here?

13 MR. LIDDY: I'm standing for a reason, Your  
14 Honor. Before you recess, I'd like to ask for sidebar  
15 with counsel at the bench before we recess.

16 THE COURT: We can -- we can do that. I'm  
17 hesitating only because I've got live stream, and I've got  
18 a court reporter here, and usually she has to have  
19 headphones on, and I have to set this all up.

20 MR. LIDDY: This will be brief, Your Honor.

21 THE COURT: It's not the brevity I'm worried  
22 about. It's just -- it's whether or not -- I need to make  
23 a record but not a record that everybody hears because  
24 you're asking for sidebar.

25 MR. LIDDY: We can we can go to chambers, if



1     you'd prefer.

2                   THE COURT:   That's completely off the  
3     record, unless you don't have a problem with it.  You  
4     want -- why don't we do this.

5                   MR. LIDDY:   This could be off the record,  
6     Your Honor, but it's something that requires your  
7     attention immediately.

8                   THE COURT:   Okay.  Why don't -- please  
9     before you just come -- I can't do anything ex parte.  
10    Talk to plaintiffs' counsel, show them what you've got,  
11    explain to them why it is that you need to talk to me, and  
12    if they agree, then you can do it off the record.

13                   Do you agree?

14                   MR. BLEHM:   I have no idea.  He shoved it  
15    our face, read something, and took the phone away.

16                   THE COURT:   I was trying to find a way for  
17    my staff.  If we -- if I have headphones for the court  
18    reporter and I pause the live stream, I believe that we  
19    can take care of this.

20                   MR. LIDDY:   Okay.

21                   THE COURT:   Is that the best way to do it?

22                   MR. OLSEN:   Yes, Your Honor.

23                   THE COURT:   Everyone else can be excused.  
24    This is a sidebar.  We're going to take the afternoon  
25    break.  But I can speak with counsel on the record at



1 sidebar as soon as I get this set up.

2 Counsel, please approach.

3 (At this time, the following bench  
4 conference is had with Court and counsel only:)

5 THE COURT: Now, remember this. This  
6 microphone picks me up, but I have to distort it all over  
7 the place to get yourselves heard until you get close.

8 MR. LIDDY: Your Honor, on the internet  
9 there's some generalized criticism of your conduct, and  
10 one person involved has said: Nice family you've got --  
11 they're referring to your family -- it would be a shame if  
12 something happened.

13 It's a direct threat to your family, so you  
14 can take appropriate steps.

15 THE COURT: And -- all right. I'm not sure  
16 where it comes from. If you can share that with -- I'll  
17 have somebody with court security talk to you, and they  
18 can follow up.

19 MR. LIDDY: That's all I wanted.

20 THE COURT: I appreciate that. It's not the  
21 first one.

22 MR. LIDDY: I understand.

23 (Whereupon the bench conference is  
24 concluded, and the following proceedings are had in open  
25 court:)



1 THE COURT: Okay. We're in recess.

2

3 (Recess taken.)

4

5 THE COURT: Go ahead and be seated.

6 I think what I want to do is get counsel up  
7 here for another sidebar. I need to set up the court  
8 reporter first for that.

9 MS. HARTMAN-TELLEZ: Your Honor?

10 THE COURT: Mr. Liddy stepped out?

11 MS. HARTMAN-TELLEZ: Mr. Liddy is meeting  
12 with some people.

13 THE COURT: I need him back in here.

14 MS. HARTMAN-TELLEZ: I will go tell him,  
15 yes, Your Honor.

16 Do you still have the live stream paused?

17 THE BAILIFF: Yes, Judge.

18 THE COURT: Keep it. I'm going to excuse  
19 everybody from the courtroom, except for the attorneys and  
20 parties or parties' representatives, if you're here.

21 (Whereupon said parties are excused from the  
22 courtroom.)

23 THE COURT: All right. Please go ahead and  
24 have a seat.

25 All right. So you're all privy to the



1 information that Mr. Liddy just shared with me. Okay?  
2 I'm not sure what may or may not have prompted that, but  
3 the thought that came to my mind initially was my  
4 conversation with Ms. Busch.

5 And so my conversation with you right now is  
6 borne of the question, I don't believe that -- that  
7 information Mr. Liddy shared is going to affect me one way  
8 or the other in terms of what I do, but I am very  
9 concerned about any possible appearance of impropriety or  
10 favoritism or bias one way or the other in this case.

11 So I'm asking you, as counsel, if you  
12 believe that anything that's happened in this action to  
13 this point in time -- I'm talking about my conduct --  
14 causes any even pause or concern about impropriety or lack  
15 of fairness.

16 And before you answer, that's something that  
17 if a Court asks somebody, I can't do that in front of you,  
18 I'm asking you now, but that's a discussion or thought I  
19 want you to mull over and discuss with your client,  
20 plural, outside of my presence. Okay? Because it's --  
21 it's intimidating to have a judge say, you don't have  
22 anything against me, do you, from the bench.

23 Do you understand what I'm saying?

24 MR. LIDDY: I understand -- Your Honor, I  
25 understand what you're saying, but you're not correct.



1 I'm not intimidated at all.

2 THE COURT: Does it matter?

3 MR. LIDDY: And I don't need to mull it  
4 over. We have complete confidence in your independence --

5 THE COURT: I'm not going to single you out,  
6 one from another. I believe, ethically, the way this  
7 works, is I have to give you the opportunity to discuss  
8 that offline with your client out of my presence. Okay?

9 So I could just tell you that my personal  
10 concern is great where if there is ever a doubt about that  
11 type of thing, I would recuse myself, because I believe  
12 that this is a position of trust that I hold, and it's not  
13 about me; it's about the institution that I sit here and  
14 represent. Okay?

15 So we've got about another hour or plus  
16 maybe. So my plan was -- today, was to plant that seed,  
17 let you discuss that with your client, and you can just  
18 let me know by filing something by the -- by morning.  
19 Okay? You're either okay or you're not okay.

20 MR. BLEHM: Yes, Your Honor. Understood.

21 MR. LIDDY: Okay, Your Honor.

22 MS. RODRIGUEZ ARMENTA: Yes, Your Honor.

23 Thank you.

24 THE COURT: All right. Is there any other  
25 thing you want to bring up before we bring everybody back



1 in and continue?

2 MR. LIDDY: No, Your Honor.

3 MR. BLEHM: Nothing here, Your Honor.

4 THE COURT: Okay. You're silent. I don't  
5 know if you're --

6 MR. OLSEN: Your Honor --

7 THE COURT: No?

8 MR. OLSEN: I already know the answer, but  
9 that's fine.

10 THE COURT: Very well. Let us bring  
11 everybody back in, and the next witness is, I believe,  
12 Mr. Valenzuela, and we'll take care of his swearing in  
13 once we have everybody back in. You can unpause the live  
14 stream.

15 (Whereupon the parties that were previously  
16 excused from the courtroom re-enter the courtroom.)

17 THE COURT: Are we missing anybody?

18 (No oral response.)

19 THE COURT: I don't believe so. Please be  
20 seated.

21 All right. We are continuing on the record  
22 in CV2022-095403. This is Lake versus Hobbs, et al.

23 And present are either parties, the  
24 representatives, and their respective counsel.

25 At this point in time, plaintiff is going to



1 call their next witness.

2 MR. BLEHM: Yes, Your Honor. Mr. Ray  
3 Valenzuela.

4 THE COURT: Very well. Mr. Valenzuela, if  
5 you would step forward, please, and stand in front of my  
6 clerk to be sworn in, please.

7 Mr. Blehm, are you taking this witness.

8 MR. BLEHM: Yes, Your Honor.

9 THE COURT: Very well. You can do it from  
10 there seated or podium.

11 MR. BLEHM: Thank you, Your Honor.

12 (Whereupon the witness is sworn.)

13 THE COURT: Thank you, Mr. Valenzuela. If  
14 you can make your way around to the witness stand and have  
15 a seat, sir.

16 MR. LIDDY: Your Honor, I have an  
17 administrative question.

18 THE COURT: Yes.

19 MR. LIDDY: We also intend to call  
20 plaintiff. I can have a brief cross now and --

21 THE COURT: Whichever you prefer. I'm not  
22 going to dictate how you try your case.

23 MR. LIDDY: Thank you, Your Honor.

24 MR. BLEHM: Thank you, Your Honor.

25 THE COURT: You can begin when you're ready,



1 Mr. Blehm.

2 MR. BLEHM: Thank you.

3

4 RAY VALENZUELA,

5 having been first duly sworn,

6 is examined and testifies as follows:

7

8 DIRECT EXAMINATION

9

10 BY MR. BLEHM:

11 Q. Mr. Valenzuela, can you please state and spell  
12 your name for the record.

13 A. Ray Valenzuela, last name Valenzuela,  
14 V-A-L-E-N-Z-U-E-L-A.

15 Q. What do you prefer to be called?

16 A. Ray is fine.

17 Q. Ray. Okay. Thank you, Ray.

18 Where do you work Mr. -- where do you work,  
19 Ray?

20 A. Mr. -- Maricopa County Elections Department.

21 Q. All right. And is your office located in what's  
22 known as MCTEC?

23 A. It is.

24 Q. My name is Bryan Blehm. I do believe we have met  
25 on at least one other occasion, but I'm counsel for Kari



1 Lake, as you know.

2 A. Yeah.

3 Q. And so I know you've testified before, because  
4 you testified in the first trial of this action, correct?

5 A. Correct.

6 Q. You recall that testimony?

7 A. Briefly, yeah.

8 Q. Okay. Have you ever given any other testimony in  
9 any other cases?

10 A. In several other election cases, yes.

11 Q. Okay. Any of them involving signature  
12 verification?

13 A. Yes.

14 Q. With respect to Maricopa County?

15 A. With respect to Maricopa County ward B.

16 Q. Okay. How many of those involving signature  
17 verification and Maricopa County were there?

18 A. I'm sorry. Could you repeat the question?

19 Q. How many of those cases involving Maricopa County  
20 and signature verification were there?

21 A. The two that I participated in would be this, the  
22 previous to, and -- and the Ward B.

23 Q. Okay. And have you ever given any statements to  
24 law enforcement and agencies regarding signature  
25 verification in Maricopa County elections?



1           A.    I apologize.  I can't hear you that -- have I  
2   ever given --

3           Q.    Have you ever given any sworn testimony to law  
4   enforcement agencies regarding signature verification and  
5   Maricopa County elections?

6           A.    Not sworn testimony, no.

7           Q.    Unsworn?

8           A.    No testimony to law enforcement.

9           Q.    Okay.  Have you ever been questioned by law  
10   enforcement about Maricopa County signature verifications  
11   and its selections?

12          A.    If you define, and if I can clarify, the Attorney  
13   General's Office, we do participate with, and if that --  
14   considering that a law enforcement agency, then we do  
15   participate with that.

16          Q.    Okay.  Was that involving the 2020 election?

17          A.    2020, 2022.  All elections that we forward on any  
18   questionable signatures that teeter on the fact of  
19   potential investigation.

20          Q.    Did you forward any signatures on with respect to  
21   the 2022 election, general election?

22          A.    We -- we did not.  We were inquired of by the  
23   AG's, but we did not forward any for investigation.

24          Q.    Okay.  So you found absolutely no questionable  
25   signatures with respect to the 2020 election?



1           A.     That's not correct. The disposition of  
2     questioning signatures is statutory or a bad signature  
3     that -- that exists, but we do not have investigative  
4     authority. We then forward to, and they -- the attorneys  
5     general would if we found there to be a need.

6           Q.     Okay. You didn't forward any to the attorney  
7     general for the 2020 election; is that correct?

8           A.     I -- I am not aware of --

9                   MR. LIDDY: Objection, Your Honor. He's  
10    asking about the 2020 election, not 2022.

11                  MR. BLEHM: Yeah. 20 -- 2022.

12                  THE COURT: I think I know where it's going.  
13    So I'm going to give him a brief bit of latitude.

14                  MR. BLEHM: Yeah.

15    BY MR. BLEHM:

16           Q.     And so, basically, the question I would like to  
17    ask is, how many deferrals did you make to the Attorney  
18    General's Office with respect to the 2020 election and the  
19    2022 election?

20           A.     For the 2022, we -- I don't oversee that  
21    particular process, but I am aware that we had under one  
22    that we forward through that didn't go any further than us  
23    forwarding it, but we had upwards of 40 that the attorney  
24    general had asked us for information on.

25           Q.     Okay. Have you complied with the attorney



1      general?

2           A.     Absolutely.

3 Q. All right. And so you -- you -- you're familiar  
4 with the testimony rules, correct?

5                   A.     Yeah.

6 Q. I'd appreciate it if you would let me fully ask  
7 my question before you answer, and I will likewise let you  
8 answer your question before you -- well, before I ask my  
9 next one.

10 Fair?

11           A.     Understood.

12 Q. Okay. And if I ask you a yes-or-no question, if  
13 you can say yes or no, not uh-huh, huh-uh, things of that  
14 nature. We just want to make sure the record is clear.

15 Is that fair?

16                   A.     Yes.

17 Q. All right. Why don't you tell us about your --  
18 your education history.

19           A.     I am a certified election registration  
20 administrator, CERA, graduate from election center and  
21 sponsored by Auburn University. I retained that  
22 certification at first initially about 15 years ago, and  
23 that's a -- required every --

24 Q. And I apologize. Let me slow you down here.

25 That's a certification relating to your



1 duties as director of elections for Maricopa County,  
2 correct?

3 A. And oversees all election processes.

4 Q. Okay. And so what -- what I was referring to  
5 with education history and -- because we're going to get  
6 to certifications, but what about high school. You  
7 graduated high school.

8 Did you go to college? If so, when and  
9 where?

10 A. Yes. I graduated high school, South Mountain  
11 High School here, local Arizonian, born and raised, and  
12 then I attended Arizona State University but didn't  
13 complete that particular degree.

14 Q. What did you study?

15 A. Architecture.

16 Q. Architecture.

17 Okay. And your election employment history,  
18 I know it's quite lengthy; is that correct?

19 A. That's correct.

20 Q. How long have you worked for the Maricopa County  
21 Elections Department total?

22 A. In total, going on 33 years.

23 Q. Thirty-three years.

24 What was your first year with the elections  
25 department?



1           A.     1990.

2           Q.     1990.

3                     Okay.  So that -- that predates mass mail  
4 voting, doesn't it?

5           A.     No.  There was always -- early voting has existed  
6 since -- no-excuse early voting but early voting and  
7 absentee voting has always existed.

8           Q.     Understood.

9                     My question was, that predates mass early  
10 voting, correct?

11          A.     I guess I would ask your definition of "mass  
12 early voting."

13          Q.     Okay.

14          A.     But you were allowed and have always been --

15          Q.     Okay.

16          A.     -- to request an early ballot in Arizona.

17          Q.     All right.  And your roles in the election  
18 department, what have they been?  Where -- where did you  
19 start?

20          A.     I started, as indicated, summer from ASU, I took  
21 upon a temporary role in the warehouse.  I then elevated  
22 into a permanent position two years later, and I was in  
23 charge -- or an early voting clerk, which then I moved  
24 into a early voting lead, early voting supervisor, and  
25 now -- and then early voting assistant director, and now



1 the elections director.

2 Q. Okay. And as the election director -- correct me  
3 if I'm wrong -- you oversee directly early voting in  
4 Maricopa County; is that correct?

5 A. I oversee the administrative staff that oversees  
6 that process.

7 Q. Okay.

8 A. Correct.

9 Q. You're in charge of the managers who oversee  
10 early voting?

11 A. That is correct.

12 Q. For example I've heard the name Celia.

13 A. Correct.

14 Q. Okay. Is she still with the elections  
15 department?

16 A. She is not.

17 Q. When did she leave?

18 A. She left approximately about a year ago.

19 Q. Okay. All right. Now, let's talk about your  
20 certifications again, if you can -- if you will.

21 What certifications do you have in  
22 elections?

23 A. So I am a certified election registration  
24 administrator, CERA, C-E-R-A, provided through by Election  
25 Center and Auburn University. I received that



1 certification about 15 years ago. Requires renewal every  
2 three years.

3 Q. Uh-huh.

4 A. And I'm also a Maricopa County Management  
5 Institute graduate and also a Secretary of State certified  
6 election officer, which requires biannual cert- --  
7 recertification.

8 Q. All right. Very good.

9 And so the history -- I want to talk a  
10 little bit about the history of early voting in Maricopa  
11 County, because you've been around that for quite a period  
12 of time, correct?

13 A. Correct.

14 Q. That was your first full-time role was working in  
15 the early voting department?

16 A. That is correct.

17 Q. All right. What were the standards back in --  
18 was that 1990?

19 A. 1990 when I first began.

20 Q. 1990.

21 What were the standards in 1990 for  
22 authenticating a early ballot received in the mail?

23 A. It always has been signature verification --

24 Q. Okay.

25 A. -- as -- as relied on the referencing for



1 consistency against the signature on the early voting  
2 affidavit to the signatures on the registration file.

3 Q. Okay. And that's always been registration file,  
4 the totality of the registration history?

5 A. That is correct.

6 Q. Okay. And I believe you testified before that  
7 you have 30 some entries in your registration record from  
8 past elections; is that correct?

9 A. I have several registration and signature  
10 exemplars or official registration records on my record  
11 alone.

12 Q. Okay. And so -- now, correct me if I'm wrong,  
13 when a voter signs a mail ballot affidavit, right, and  
14 they return it to the Maricopa County Elections  
15 Department, Runbeck scans that affidavit, correct?

16 A. Correct.

17 Q. Maricopa County then does signature review on  
18 that signature, correct?

19 A. Correct.

20 Q. And if it's -- if it's -- if it's deemed, I  
21 guess, authenticated -- would that be the way to call it?

22 A. If it's verified.

23 Q. Okay. Then that signature, is that signature  
24 placed in the voter registration database for that  
25 specific voter?



1           A.     If it is deemed verified and -- and vetted, then  
2     it is added as a reference signature, amongst many other  
3     reference exemplars.

4           Q.     Okay. And so would it be your testimony that  
5     really the standards for authenticating early ballot  
6     signatures on affidavit envelopes hasn't changed much over  
7     time since 1990?

8           A.     In relations to referencing the registration  
9     signatures on file?

10          Q.     Yes.

11          A.     That is a standard operating procedure.

12          Q.     Okay. And has been --

13                   MS. DANNEMAN: Your Honor, objection.  
14     Relevance. This is outside the scope of what the Court  
15     has said the hearing was going to be about, whether  
16     signature verification happened at all.

17                   THE COURT: Okay. I'm going to allow him  
18     some latitude because I think what I've got is a pretty  
19     long laying of foundation that's headed somewhere in our  
20     near future, right, Mr. Blehm?

21                   MR. BLEHM: That would be correct, Your  
22     Honor.

23                   THE COURT: All right.

24                   MR. BLEHM: Yeah.

25                   THE COURT: Give you latitude, sir.



1                   MR. BLEHM: Thank you, Your Honor.

2       BY MR. BLEHM:

3           Q.     Okay. So -- so who sets the standard for early  
4       signature authentication in Arizona?

5           A.     The standards are both derived within Arizona  
6       State statute.

7           Q.     Okay.

8           A.     Can be clarified in the Elections Procedures  
9       Manual, which all 15 counties then would refer to and has  
10      the force and effect of law.

11                   And then, from that, the counties themselves  
12      derive then what -- how that process would be handled. As  
13      indicated, Maricopa County has multi-leveled review  
14      process. It's not a requirement in EPM or in statute.  
15      It's just the best practice we see --

16          Q.     Right.

17          A.     -- and other counties or other states may not  
18      use.

19          Q.     Okay. And would that relevant statute be A.R.S.  
20      16-550?

21          A.     That would be one of the statutes, yes. There's  
22      many that reference signatures.

23          Q.     And you're familiar with -- you've been in --  
24      you've been in court all day listening to everybody's  
25      testimony, correct?



1           A.     Correct.

2           Q.     So you've seen what exhibits have been admitted,  
3 correct?

4           A.     I have.

5           Q.     All right. And so you're familiar with the  
6 Arizona Secretary of State Signature Verification  
7 Handbook?

8           A.     I am.

9           Q.     Okay. Does Maricopa County employ that as its  
10 standard for verifying signatures in --

11                   MR. LIDDY:  Objection, Your Honor. That  
12 exhibit just referred to is, in fact, not yet admitted.

13                   MR. BLEHM:  It's not admitted?

14                   THE COURT:  Let me go back and see --

15                   MR. BLEHM:  Yeah. I thought it was  
16 admitted.

17                   THE COURT:  Hold on. Let me go back and  
18 just double-check.

19                   Wasn't that 46? No?

20                   MR. MORGAN:  No, Your Honor. It's Exhibit  
21 2.

22                   THE COURT:  Exhibit 2?

23                   MR. MORGAN:  Yes, Your Honor.

24                   MR. BLEHM:  Forty-six was actually number 8.

25                   THE COURT:  Right. And we went through that



1     litany this morning.

2                   MR. BLEHM:   And Exhibit -- Exhibit 1 is the  
3     Secretary Signature Verification Guide.

4                   THE COURT:   Is that what you're referring  
5     to?

6                   MR. BLEHM:   I believe it was admitted.   If  
7     not, I can present it to him now and admit it.

8                   THE COURT:   I don't have 1 or 2 as admitted.

9                   MR. BLEHM:   Oh, okay.

10                  THE COURT:   So why don't you proceed with  
11     that, Mr. Blehm.

12                  MR. BLEHM:   Thank you, Your Honor.

13                  And may I, Your Honor?

14                  THE COURT:   Please.   You can approach.

15     BY MR. BLEHM:

16                  Q.   All right, Ray.   I'm handing you what's been  
17     marked as Exhibit 1.

18                  Are you familiar with that document?

19                  A.   I am.

20                  Q.   All right.   And can you tell the Court what that  
21     document is?

22                  A.   It's the Secretary of State Signature  
23     Verification Guide as established under Secretary Kate  
24     Hobbs at the time.

25                  Q.   All right.   Are those the standards you employ in



1 Maricopa County to verify signatures?

2 A. They are the standards that we reference.

3 Absolutely.

4 Q. So they're the same?

5 A. Yes.

6 THE COURT: As for the 2022 election?

7 BY MR. BLEHM:

8 Q. As to the 2022 election?

9 A. That is correct.

10 Q. Okay. And those are, in fact, the guidelines  
11 that you have before you in Exhibit 1?

12 A. They are.

13 MR. BLEHM: I move to admit, Your Honor.

14 THE COURT: Exhibit 1?

15 MR. BLEHM: Number 1, Your Honor.

16 MR. LIDDY: No objection.

17 THE COURT: One is admitted.

18 BY MR. BLEHM:

19 Q. Now, did you participate in the promulgation of  
20 any of this document or these standards?

21 A. Maricopa County, as an entity, did indeed. All  
22 15 counties were participatory in assisting in this  
23 crafting.

24 Q. Okay. You, personally, did you participate?

25 A. I personally, yes. I actually have information



1     that was provided towards the crafting of this.

2           Q.     Okay.  What information did you provide on behalf  
3     of Maricopa County?

4           A.     One of them would be the -- just a reference to  
5     analysis, what we use reference to different  
6     characteristics and those that we had received from and  
7     a -- a certified forensic expert document individual.

8           Q.     Okay.  So, as certified forensic document  
9     examiner -- is that what you're saying?

10          A.     Yes.

11          Q.     -- has provided you information -- and by "you,"  
12     Ray, I mean Maricopa County, has provided Maricopa County  
13     with -- with information about how to properly verify  
14     their ballots, correct?

15          A.     They provided us and the other 14 counties --

16          Q.     Okay.

17          A.     -- as part of the Secretary of State's offering  
18     for training.

19          Q.     Okay.  And so, under the current standards -- and  
20     correct me if I'm wrong -- signature verification workers  
21     look at what are -- what are known as broad standards; is  
22     that correct, or broad characteristics?

23          A.     Yes.  There's local and broad characteristics.

24          Q.     Okay.  And I -- I just want to sort of cover  
25     things broadly, and we're going to then start narrowing,



1     you know, into this subject a little bit deeper.

2                     But you said two types of characteristics,  
3     broad and -- and local characteristics.

4                     Under Maricopa County's process, do they  
5     look at one more than the other?

6             A.     They actually are -- and if I may, don't need to  
7     look at any.    These are -- and as it's actually written,  
8     the following two-step analysis will allow you to  
9     confidently decide whether signatures are confident.

10                    It doesn't mandate that you must look at all  
11     11 characteristics of a signature.   It -- so these are --  
12     when you have a signature in front of you that you're  
13     questioning, these help you determine and go through that  
14     check.

15                    So, if you're asking the question the way I  
16     interpret it that, do you do these 11 on every signature,  
17     the answer is for no signature, we do not pause for 30  
18     seconds or a minute or any time length to look at  
19     characters.    They don't exist.

20             Q.     Okay.   So nobody really needs to reference these  
21     standards to approve signatures in Maricopa County?   Is  
22     that what you're saying?

23             A.     No.   That's not what I said.   I said that these  
24     are actual characteristics, broad and local, that are  
25     referenced when a signature is -- is being examined that



1 is in question.

2 Q. Okay. But somebody could just click a button and  
3 say, no question, no question, no question.

4 Is that what you're saying?

5 A. I wouldn't say it that way. I mean you're saying  
6 that somebody would go outside of their oath, outside of  
7 their training and could they, then they could, and they  
8 could make it an exception. Then it would move into a  
9 second review level II.

10 Q. Okay. We're going to go there, but you know, you  
11 just mentioned an oath of office. So I'm going to -- I'm  
12 going to provide you what's been marked as Exhibit 14 and  
13 ask you if you can please tell the Court what this is.

14 A. This is the oath of office that we require all  
15 staff, whether full time -- FT, full time, or temporary,  
16 to complete to participate in the election process.

17 Q. Okay. So everyone in the Maricopa County  
18 Elections Department signs that oath of office?

19 A. That is correct.

20 Q. Okay. And who -- who drafted that?

21 A. I would assume it's the Department. I'm not --

22 Q. Okay.

23 A. I mean, it's --

24 Q. And the document marked as Exhibit 14, is that a  
25 true and accurate depiction of Maricopa County's oath of



1 office, the elections department?

2 A. I think it is -- or I know it is, yes, and it's a  
3 standard oath of office.

4 MR. BLEHM: Okay. We move to admit Exhibit  
5 14, Your Honor.

6 MR. LIDDY: No objection.

7 THE COURT: Fourteen is admitted.

8 BY MR. BLEHM:

9 Q. All right. So early voting. I believe your  
10 prior testimony, you said there are multiple ways to get  
11 an early ballot; is that correct? Three ways? Are there  
12 three ways?

13 A. Multiple ways to get an early ballot, meaning --  
14 if you can clarify.

15 Q. Okay.

16 A. Meaning how to request one or meaning how to get  
17 one?

18 Q. I can get one by mail, correct?

19 A. Yes, that is correct.

20 Q. Okay. I can walk in early in person, correct?

21 A. That is correct.

22 Q. Okay. And then I can -- election day -- you  
23 testified you can vote early on election day?

24 A. No, you cannot.

25 Q. Okay. Is there any way on election day that you



1 have to put your ballot in an envelope that then gets  
2 signature verified?

3 A. Not on election day. You can bring your ballot  
4 that was provided to you by mail --

5 Q. Okay.

6 A. -- and -- and drop it off on election day --

7 Q. All right.

8 A. -- not actually vote early on election day.

9 Q. So there are two ways to get an early ballot,  
10 correct?

11 MR. MORGAN: Objection, Your Honor.

12 Objection, Your Honor. Relevance. You gave counsel  
13 leeway. It's almost 3:45. What are we talking about  
14 here? This has nothing to do with the case.

15 THE COURT: The objection is relevance. How  
16 far out are we to --

17 MR. BLEHM: Well, you know, 3:45, he's going  
18 to be a long witness, but when they put him up, it's going  
19 to cut my cross.

20 MR. MORGAN: What?

21 MR. BLEHM: I mean, I don't know, Your  
22 Honor. Hard to say.

23 THE COURT: This -- this particular long  
24 line of questioning?

25 MR. BLEHM: This particular line of



1     questioning? I mean, this particular line of questioning,  
2     just a couple minutes. Not very long, Your Honor.

3                   THE COURT: Wrap it up in a couple of  
4     minutes and --

5                   MR. BLEHM: Thank you, Your Honor.

6     BY MR. BLEHM:

7           Q.     Okay. So I can either request a ballot by mail  
8     or go in person to vote by mail, correct?

9           A.     That is correct.

10          Q.     Both of those mail -- both of those methods  
11     require signature verification; is that correct?

12          A.     No.

13          Q.     No?

14          A.     To request a ballot, you can go online. You can  
15     provide personal identifiable information.

16          Q.     I -- I think you misunderstood my question.

17                   I can vote by receiving a ballot in the  
18     mail, correct, provided I qualify --

19          A.     Correct.

20          Q.     -- correct?

21                   Or I can go into a polling center, and I can  
22     fill out a ballot early and then put it in an envelope --

23          A.     That is correct.

24          Q.     -- is that correct?

25                   Okay. Either of these two methods of



1     voting -- or I should say, both of these two methods of  
2     voting require signature verification for your department;  
3     is that correct?

4           A.     That is correct.

5           Q.     Okay. And what is the purpose of signature  
6     verification?

7           A.     Well, its purpose, on the highest level, is to  
8     provide proof of identity.

9           Q.     Okay. Proof of identity.

10                         Would you -- would you consider the right to  
11     vote to be an important right that citizens of the United  
12     States have?

13                         MR. MORGAN: Objection, Your Honor. Again,  
14     speculation, relevance. Highly irrelevant.

15                         MR. BLEHM: Well, relevance, Your Honor --  
16     we are -- we're talking about, Your Honor, a process in  
17     Maricopa County --

18                         THE COURT: I don't need a speech. If you  
19     want me all to take judicial notice that it's a singularly  
20     important right in American citizenship, I can do that.

21                         MR. BLEHM: Your Honor, I want to know what  
22     this witness thinks about that right.

23                         MR. MORGAN: For the record, Your Honor,  
24     again, relevance, and --

25                         THE COURT: Right.



1                   MR. MORGAN:  -- I will stipulate that our  
2     right to vote is important.

3                   THE COURT:  That's fine.  I'm not sure that  
4     what he believes is -- is salient to his duty and  
5     responsibility, his personal views.  If he takes an oath  
6     and he's supposed to perform certain duties, that I get.

7                   MR. BLEHM:  He runs the election department,  
8     Your Honor.

9                   THE COURT:  Okay.

10                  MR. BLEHM:  Over 80 percent of Maricopa  
11     County voters, which is over -- you know, Maricopa County  
12     makes about 60 percent of the state voters.  Over 80  
13     percent in Maricopa County vote by mail.

14                  THE COURT:  Okay.  If you want to ask him if  
15     he takes his oath seriously to perform the duties of his  
16     office, fine.  I mean, that embodies it doesn't, does it  
17     not?

18                  MR. BLEHM:  I'm sorry.  I missed that.

19                  THE COURT:  I said, that embodies what  
20     you're asking, does it not, because pertinently you got an  
21     exhibit.  You admitted it.  This is about whether he's  
22     fulfilling the oath and responsibilities.  He takes that  
23     seriously.

24                  MR. BLEHM:  Okay.

25                  THE COURT:  That's what you're asking.  Ask



1     it -- ask it any way you want. I know what you're getting  
2     at. That's fine.

3     BY MR. BLEHM:

4             Q.     Mr. Valenzuela, do you take -- I'm sorry.

5                     Ray, do you take your oath of office  
6     seriously?

7             A.     Thirty years of service in elections permit, I  
8     do.

9             Q.     Okay. Is it fair to say that the only thing  
10    standing between a person's vote counting and not counting  
11    is the signature and the individual set to verify it?

12            A.     For an early ballot, the signature is considered  
13    the proof of identity, and that would then be the  
14    reference item that we would look at for consistency to  
15    the official registration record.

16            Q.     Okay. So we have a -- a very significant right  
17    at stake, and that's a person's right to vote, and the  
18    signature is the only thing that stands -- or the  
19    signature and the person verifying it are the only thing  
20    that stand between that vote being counted and not,  
21    correct?

22            A.     I would take a little bit umbrage to the fact  
23    that it's multiple phases of people, so not a person  
24    standing in front of. It's the voter signing and then the  
25    process by which we review that.



1 Q. Okay. Let's say, at level I, it's approved.

2 Who else reviews it?

3 A. That level 3 when they do an audit of those good  
4 six.

5 Q. An audit is only random, isn't it?

6 A. It's a 2 percent random --

7 Q. Okay.

8 A. -- of that particular --

9 Q. We're going to talk about -- we're going to talk  
10 about audits later.

11 But let's say somebody gets my ballot. They  
12 voted on my behalf, and they say my name, and -- and  
13 somebody just clicking through approves my ballot --

14 MR. LIDDY: Objection, Your Honor.

15 BY MR. BLEHM:

16 Q. -- and the audit doesn't pick it up. Okay?

17 I've -- you've already testified, Mr.  
18 Valenzuela, what's going to happen to that signature on my  
19 ballot that I didn't vote, and that signature --

20 MR. LIDDY: Are you finishing asking the  
21 question?

22 MR. BLEHM: Yes.

23 MR. LIDDY: Objection, Your Honor.

24 Relevance. This goes directly to procedures, which this  
25 Court has already ruled, the supreme court has already



1 ruled, it's long past time for this contesteer to challenge  
2 the procedures.

3 What's before this Court today is whether or  
4 not Maricopa County and its recorders office and team  
5 executed their lawful duty to have signature verification.

6 THE COURT: Thank you.

7 BY MR. BLEHM:

8 Q. What do you consider --

9 THE COURT: Wait. Let me rule at least.

10 MR. BLEHM: I was just going to walk on,  
11 Your Honor, try to sneak it in later.

12 THE COURT: I've given you leeway to lay  
13 some foundation here. I can take judicial notice that  
14 this is all material. This is all highly significant to  
15 each individual voter and to the state as a whole, that  
16 the system runs properly.

17 The -- but the line of questioning for this  
18 witness is we haven't gotten to the point of whatever it  
19 is you're going through advance to this witness that  
20 relates to your -- your claim.

21 Put otherwise, you've taken a long time to  
22 get to the point where we all agree it's important to make  
23 sure that the process is accurately adhered to.

24 MR. BLEHM: Okay.

25 THE COURT: I mean, if you can move on from



1     there, I'd appreciate it, because that's what their  
2     objection is. I've given you lots of leeway.

3                   MR. BLEHM: Well, I -- I understand, Your  
4     Honor. I'm not trying to argue with you.

5                   THE COURT: I'm not walking over you in  
6     terms of something you need to prove. You can tell me  
7     that and make an offer of proof by saying, Judge, I'm  
8     about to prove this, this, and this, and I just need you  
9     to bear with me a minute to get the foundation for that.

10                  MR. BLEHM: Well, here's where I was going  
11     with it, Your Honor. Okay? Now, you know, cat out of the  
12     bag, and I don't get to ask my question.

13                  It -- it's pretty common knowledge that  
14     there are two schools of thought, Your Honor, in the  
15     United States with regard to the right to vote.

16                  You have one school of thought that is very  
17     adamant that people present a license or other form of  
18     official identification in order to cast a ballot, and you  
19     have another school of thought that says, well, it doesn't  
20     matter, we have to just count every ballot.

21                  THE COURT: Uh-huh.

22                  MR. BLEHM: My line of questioning of this  
23     witness, Your Honor, is which school of thought does he  
24     ascribe to, because it's relevant, because the evidence,  
25     Your Honor --



1                   THE COURT: I'm asking him to just stop for  
2 a second.

3                   MR. BLEHM: Oh.

4                   THE COURT: Finish.

5                   MR. BLEHM: Because the evidence we will  
6 present, Your Honor, shows -- and we've already presented  
7 a video to this Court, and there's going to be a lot more  
8 evidence presented tomorrow, about what is happening in  
9 the Maricopa County Elections Department, and that school  
10 of thought is directly related --

11                  THE COURT: Okay.

12                  MR. BLEHM: -- to that point.

13                  THE COURT: Let me explain something to  
14 maybe put your mind at ease there.

15                  I view this -- my role in this is limited to  
16 what the supreme court has remanded, and this is not about  
17 whether, either I or you or any of these people in the  
18 courtroom, would like as a philosophy.

19                  Whatever the process is is already put in  
20 place. It's decided by different people not -- not in  
21 this courtroom, and so the only relevant line of inquiry  
22 here is to re-follow the process in this case.

23                  So it doesn't matter who you voted for or I  
24 voted for or anybody else voted for, what we feel about  
25 any political party or the process, and I know that there



1 are diverging views of this, and I'm probably indulging  
2 this way beyond a normal objection overruled or sustained.

3 But I'm just making clear what -- what  
4 you're talking about goes well outside of the bounds of  
5 what's at stake here. It's -- it's only whether or not  
6 he, and the County, performed its obligations under the  
7 current system.

8 MR. BLEHM: Understood, Your Honor. And  
9 what I'm trying to show is that not the process is -- is  
10 not working; what I'm trying to show is that the process  
11 is not being followed.

12 THE COURT: Okay.

13 MR. BLEHM: So --

14 THE COURT: That -- that's accurate. Stick  
15 with that.

16 BY MR. BLEHM:

17 Q. Okay. And so, Mr. Valenzuela, you followed all  
18 of this discussion, correct, with the Court?

19 A. Yes.

20 Q. Where -- where do you fall?

21 MR. MORGAN: Objection. Relevance.

22 THE COURT: That's the same question.

23 It's -- I'm going to sustain their objection as to  
24 relevance. So we need to move on at this point, so...

25 BY MR. BLEHM:



1           Q.    All right.  Mr. Valenzuela, A.R.S. 16-550, it  
2   says that if the signature is inconsistent with the  
3   elector's signature, that you're supposed to do something  
4   specific; is that correct?

5           A.    We're supposed to make a reasonable effort to  
6   reach out to the voter to allow them to secure their  
7   signature.

8           Q.    Okay.

9           A.    Or verify their identity in that case.

10          Q.    All right.  And that's your legal standard,  
11   correct?

12          A.    Correct.

13          Q.    Once it's rejected, you have to reach out?

14                   Oh, real quick.  Do you cure early in-person  
15   ballots?

16          A.    Do we cure early in-person?

17          Q.    Yes.

18          A.    Those are not cured because, as required in  
19   statute, we check signature, but also those individuals,  
20   as is required for in-person voting, provide proof of  
21   identity, photo ID, state ID, driver's license.  So we  
22   cannot challenge that proof of identity through the  
23   signature because they have provided in person that --  
24   that documentation.

25          Q.    Right.



1                   And those are ballots that go in a signed  
2 envelope?

3           A.     They go onto a specific special, what we call, a  
4 counter envelope.

5           Q.     Okay. And so they have a different signature  
6 verification process?

7           A.     They do in the sense that they are -- again, if  
8 there were some that are questioned, they would not -- we  
9 are not -- as outlined, it's a -- I will say an antiquated  
10 part in the process and statute.

11          Q.     Understood.

12          A.     Yeah.

13          Q.     Okay. Now, that leads me to another question  
14 really quickly, and that is, would these still go back to  
15 Runbeck for processing and scanning?

16          A.     They -- they would indeed for not just signature  
17 verification but also for retention and archive.

18          Q.     All right. And then Runbeck would scan -- and  
19 we're talking about now these early in-person ballots,  
20 right? We're on the same sheet of music, Ray?

21          A.     Yes.

22          Q.     Thank you.

23                   All right. And so these ballots would then  
24 go to Runbeck, be scanned, and they would be -- the -- the  
25 signature would be e-mailed to you or however they do it?



1           A.     Securely transferred for signature verification.

2           Q.     All right.  Do you have a -- do you have a  
3 process whereby you just bulk upload those signatures,  
4 instead of having somebody approve them?

5           A.     They're considered counter -- counter in-person  
6 signatures.  So then those come in, and they get approved  
7 to that degree because they've already proven identity as  
8 the necessary means --

9           Q.     All right.

10          A.     -- of statute and EPM.

11          Q.     Understood.  Understood.

12                     And so they --- you know, somebody would  
13 look at all those.  They would get a list from Runbeck; is  
14 that correct, of all those ballots by number?

15          A.     I'm -- I apologize.  There's no list ever -- I'm  
16 not sure what I'm following.  A list provided?

17          Q.     Okay.  How -- how do you -- how do you sort those  
18 in your -- in your -- in your system because when you --  
19 when a ballot is -- is approved, you notify Runbeck,  
20 correct?

21          A.     We send the file back with the disposition code  
22 set that we set.

23          Q.     All right.  And then Runbeck sends you back the  
24 ballot?

25          A.     You sort those down to the disposition we have



1 set.

2 Q. Okay. And that is because, when it gets approved  
3 in your system, it sends it to Runbeck?

4 A. When it has gone through the multi layers of  
5 phases --

6 MR. LIDDY: Objection, Your Honor.  
7 Relevance.

8 BY MR. BLEHM:

9 Q. Okay. What I'm looking for is when -- I'm sorry.  
10 I think my hearing aid died.

11 THE COURT: Same thing. We're nearing a --  
12 a point here as far as --

13 MR. BLEHM: Okay.

14 THE COURT: -- the process.

15 MR. BLEHM: Thank you, Your Honor. The  
16 reason I'm trying to better understand the process is to  
17 better understand data. But I -- I understand, Your  
18 Honor.

19 It's 4 o'clock. May I just ask the Court  
20 what time it plans to kick me out today?

21 THE COURT: Usually 4:30.

22 MR. BLEHM: 4:30?

23 THE COURT: You put that so -- so kindly.

24 MR. BLEHM: I --

25 THE COURT: 4:30 we usually end trial for



1 the day.

2 MR. BLEHM: Okay.

3 THE COURT: Where are we with regard to  
4 finishing because I know that we -- you have to finish  
5 with this witness, the State may call him back as far as  
6 their case in chief, and you still have your expert to put  
7 on.

8 MR. BLEHM: Correct.

9 THE COURT: Do you envision if we -- are you  
10 asking me if we leave early today, are we able to finish  
11 up tomorrow? Is that what you're posing, or are you  
12 asking me how long --

13 MR. BLEHM: Oh, no, Your Honor. I could  
14 stay here doing this all day, but I just -- I just wanted  
15 sort of a best guess of what time we're going to have to  
16 wrap up today because Mr. --

17 THE COURT: 4:30.

18 MR. BLEHM: 4:30.

19 THE COURT: That's when I will pull the plug  
20 if you're still going.

21 MR. BLEHM: Okay.

22 THE COURT: And then to the -- we got to  
23 come back again tomorrow.

24 MR. BLEHM: All right. All right. I'll try  
25 to speed it up, Your Honor.



1 THE COURT: Okay.

2 BY MR. BLEHM:

3 Q. All right. So --

4 MR. MORGAN: Your Honor, I just want to say,  
5 a moment ago counsel indicated his hearing aid is no  
6 longer working. I just want to make sure counsel has what  
7 he needs to continue. I don't want there to be any issue.  
8 So I'm perfectly fine with whatever you want to do. I  
9 just want to make sure there's no issues with you being  
10 able to hear. That's all.

11 THE COURT: I think that's a kind offer to  
12 say we can quit right now, and you can take care of  
13 whatever issues you have if it's giving you problems,  
14 Mr. Blehm.

15 MR. BLEHM: Oh, my hearing aid?

16 THE COURT: Yes. If you want that, he's  
17 offering, and I would accommodate that request, because,  
18 you know, we're on track.

19 MR. MORGAN: I just want to make sure you're  
20 okay.

21 MR. BLEHM: I thought you were offering me  
22 to give -- give me some data.

23 MR. MORGAN: Your Honor, that's just more  
24 evidence the hearing aid is no working. We probably want  
25 to make sure that -- we want to make sure everything is



1     okay.

2                   THE COURT:   Yeah.   Let's get back on track.

3                   MR. BLEHM:   Okay.

4                   THE COURT:   Do you need a recess because of  
5     that?  I'm not trying to put you on the spot or embarrass  
6     you.  I'm happy to give it to you.  If not, let's move  
7     ahead, and we'll just take and use your last half hour.

8                   MR. BLEHM:   I do not need a recess, Your  
9     Honor, but because we were just talking about the data  
10    issue, it might be a good point to bring this up.

11   BY MR. BLEHM:

12           Q.     Mr. Valenzuela, you conducted signature  
13    verification in 2022 general election; is that correct?

14           A.     That is correct.

15           Q.     What was your user ID number?

16           A.     I have a user -- I have a username.

17           Q.     Okay.  You're aware of the data that Maricopa  
18    County produced to We The People Arizona Alliance; is that  
19    correct?

20           A.     That is correct, and I am aware.

21           Q.     And you produced that data by user number,  
22    correct?

23           A.     Anonymized usernames.

24           Q.     Anonymized usernames?

25           A.     Correct.



1           Q.    Can you tell us what your anonymized username  
2    would is?

3           A.    I don't have that in front of me.

4           Q.    You don't have that in front of you.

5                    Okay.  You watched the video earlier today;  
6    is that correct?

7           A.    That is correct.

8           Q.    Two times?

9           A.    Two times as was presented.

10          Q.    All right.  Do you have his unanonymized  
11    username?

12          A.    We do because of the -- or the individual in the  
13    video?  No.

14          Q.    Yes.

15          A.    No.

16          Q.    Do you know who that individual is?

17          A.    I do having -- I have knowledge having worked the  
18    process.

19          Q.    Okay.  But -- and so you know his name?

20          A.    That is correct.

21          Q.    Okay.  And Ray, I'm not asking for his name  
22    because I know these are turbulent times.  What I would  
23    like, though, is to know which anonymized user that  
24    individual is.

25          A.    I don't have that physically with me right now.



1                   MR. BLEHM:   Okay.   And that's ultimately  
2   what we would like to know, Your Honor, because that would  
3   really maybe speed things up, if the County is willing to  
4   provide said data to us.   I'm not asking Your Honor -- I'm  
5   not asking for names.   I don't want a name.

6                   THE COURT:   I get -- I think I understand  
7   what you're asking for.   So I think what you need to do is  
8   probably put something in writing for how you're going to  
9   do this because it's highly unusual because this is not  
10   just a standard case.   The information you have came from  
11   a public records request.

12                  MR. BLEHM:   Uh-huh.

13                  THE COURT:   And there's not any discovery  
14   that's allowed in terms of the election challenge, et  
15   cetera.   So you're hitting me with something that's --

16                  MR. BLEHM:   Understood, Your Honor.

17                  THE COURT:   An anomaly.

18                  MR. BLEHM:   Understood.   And I simply would  
19   propose that to defense counsel, if they're willing to  
20   provide us that anonymized username.

21                  THE COURT:   You can do that offline with  
22   them or do it in writing officially, whichever way you'd  
23   prefer, okay.

24                  MR. BLEHM:   All right.   We can go back to  
25   questioning.



1 THE COURT: Thank you.

2 BY MR. BLEHM:

3 Q. Ray, with respect to -- I'll just call him the  
4 user.

5 Are we clear on that, the gentleman in the  
6 video?

7 A. Yes.

8 Q. Okay. If you saw a level I reviewer simply  
9 clicking through signatures like that, what would you do?

10 A. I would think they were doing what they were told  
11 do in that particular circumstance, which I think you took  
12 out of context.

13 Q. Okay.

14 A. If you knew the rules, the rules were you do  
15 signature verification --

16 Q. Understood.

17 A. -- and you scroll. Then, when you're done, you  
18 back end just as one of the witnesses said, with -- and  
19 you arrow back through what you've done. So you would and  
20 could -- what that would be reflecting is exactly that  
21 individual doing their second review, which does -- which  
22 means you're just clicking through to see the statuses  
23 you've set as fast as that.

24 Q. Okay. So you believe this person was simply  
25 going back in time in that script video?



1           A.     That's what is required of all of our staff, to  
2     finish their badge of 250.

3           Q.     I understand.

4           A.     They go back through.

5           Q.     I understand.

6                     Is it possible that this particular user  
7     verified 33,624 ballot affidavit envelopes in an average  
8     rate of 2.4 seconds?

9           A.     It is possible.

10          Q.     Okay.

11          A.     Because, again, there is no set peer-reviewed  
12     timeline to check a signature, but I don't know the exact  
13     data that you may have, but it is possible --

14          Q.     All right.

15          A.     -- to look at signatures. No signature would  
16     take you less than a half a second to say it's a no, an  
17     exception.

18          Q.     Okay. So it's your testimony that you didn't  
19     find anything wrong with what the gentleman was doing?

20          A.     It's my testimony that I think that it's  
21     misconstrued --

22          Q.     Uh-huh.

23          A.     -- that that is -- that you -- I personally don't  
24     even know but other than the fact that I do know protocol  
25     requires and is trained to every single temp staff member



1 or FTE that they complete their batch, and then they work  
2 their way backward as was testified to --

3 Q. Right.

4 A. -- and that that -- all that requires is for you  
5 to click back through your work not to re-review.

6 Q. Okay.

7 A. So it can happen in under a second or a click to  
8 just see what status did you set --

9 Q. Right.

10 A. -- before committing that batch as final.

11 Q. Okay. That's fair. And we'll talk more about  
12 that tomorrow.

13 But is it possible for your signature  
14 verification workers, those under your control, to approve  
15 more than 170,000 ballots with an average rate of under 2  
16 seconds each -- 2 seconds or less?

17 A. If I may ask for clarification. You're saying a  
18 single individual to approve 170,000?

19 Q. Well, let's say it was 10.

20 MR. MORGAN: Objection, Your Honor.

21 THE WITNESS: Again, if you can clarify.

22 BY MR. BLEHM:

23 Q. 170,000 ballots at 1 rate of 2 seconds each by 10  
24 people.

25 MR. MORGAN: Objection, Judge. Again,



1 foundation.

2 BY MR. BLEHM:

3 Q. Is that -- is that something -- that you think is  
4 fine?

5 THE COURT: Hold on. Wait a second.

6 There's an objection.

7 MR. MORGAN: Objection. Foundation,  
8 relevance.

9 THE COURT: What you're asking -- okay.  
10 What you're asking for is a hypothetical, and my ruling on  
11 that would be if he's able to answer a hypothetical the  
12 way you've posed it, he can answer it. If he's -- needs  
13 more information or doesn't understand it or needs it  
14 rephrased, he can ask for that. If he doesn't believe  
15 it's -- it's something he can answer, he's capable of  
16 doing that.

17 BY MR. BLEHM:

18 Q. Okay. Well, let's talk about this really quick  
19 then so we can establish how many employees Maricopa  
20 County has working in the signature verification  
21 department for the 2022 election.

22 You testified earlier you have temporary  
23 employees, right?

24 A. That is correct.

25 Q. Okay. How many total employees did you employ



1 during the 2022 election?

2 A. Over the whole election?

3 Q. Uh-huh.

4 A. Would be 4,000.

5 Q. 4,000?

6 A. One place, both centers, all of these different  
7 tasks, signature verification, and then it's 155 that  
8 actually were documented as having usernames that are tied  
9 to a disposition.

10 Q. Okay. So 155 employees working in signature  
11 verification, correct?

12 A. That is correct.

13 Q. And so the remaining 3,845, if I've done my math  
14 correct, worked in the polling places and that type of  
15 thing?

16 A. I'm going to trust you've done your math correct,  
17 and yes, it would be outside the verification process.

18 Q. I'm a lawyer, so you should never trust that, but  
19 I think I got it right this time.

20 Okay. So you have 3,000 some odd people  
21 working for 20 percent of the election day activities and  
22 155 working for 80 percent of the election day activity.

23 Is that fair to say?

24 MR. LIDDY: Objection as to form.

25 THE COURT: If you understand it, you can



1 answer.

2 THE WITNESS: I understand. Unfortunately,  
3 it's not the correct allocation because we have -- we have  
4 early voting in-person sites that are open for 27 days.  
5 So they're not just election day.

6 We have voters that, in those 250 some  
7 locations, 12 voters -- or 12 workers. We also have  
8 different tasks in our warehouse: Drivers, couriers. So  
9 no, they're not all working election day, but they are all  
10 working outside of the scope of signature verification.

11 BY MR. BLEHM:

12 Q. But for the 2020 election, you have 3,800 --

13 MR. LIDDY: Objection, Your Honor.

14 THE COURT: You misspoke, I think. You said  
15 2020 election.

16 BY MR. BLEHM:

17 Q. Yeah. For the 2020 general election. I'm sorry,  
18 2022.

19 MR. MORGAN: Same objection.

20 MR. BLEHM: Sorry, Your Honor.

21 BY MR. BLEHM:

22 Q. 2022 general election, you -- Maricopa County  
23 Elections Department employed 3,845 workers to work  
24 polling places?

25 MR. MORGAN: Same --



1 THE WITNESS: That is incorrect.

2 MR. MORGAN: Same objection, Your Honor.

3 BY MR. BLEHM:

4 Q. No? Where else did they work?

5 THE COURT: What's your objection?

6 MR. MORGAN: Sorry. Objection to relevance.

7 Again, what I'm hearing is -- are questions about as to  
8 the effect, and this is the process. I'm not hearing -- I  
9 understand this is tied into whether the processes are  
10 actually followed, and it's -- it's 4:10.

11 THE COURT: I have to agree with him.

12 MR. BLEHM: All right, Your Honor. I'll  
13 move on.

14 THE COURT: Get somewhere quick.

15 BY MR. BLEHM:

16 Q. Okay. Of -- of the people who work in the -- in  
17 the Recorder's Office with respect solely to signature  
18 verification, how many of them are full time?

19 A. We had approximately -- we only had about 24  
20 temporary individuals assigned to the signature  
21 verification process as -- in those two rooms as testified  
22 to.

23 Q. All right. And then the rest of them were  
24 temporary workers?

25 A. No. The rest are full time.



1 Q. Oh, the rest are full time?

2 A. The other hundred -- again, 120 something --

3 Q. Right.

4 A. -- bringing us to 155 would be full-time  
5 employees --

6 Q. Okay.

7 A. Certified election officers.

8 Q. All the temporary employees, are they all full  
9 time on a temporary basis?

10 A. They work -- they're full shift eight hour or  
11 more through that cycle.

12 Q. Every one of them, they have to agree to that?

13 A. It's part of the employment, would you like to  
14 come work the election --

15 Q. Okay.

16 A. -- and we ask. Granted, again, if you're trying  
17 to get -- to give anybody a time off, yes, if you ask for  
18 it, but...

19 Q. Right.

20 Okay. And then how do you hire these  
21 temporary workers. Is it a temp agency or?

22 A. There's multiple avenues to hire full time. The  
23 majority of them will come from our board worker database,  
24 or individuals that have assistance in past, we'll reach  
25 out to them.



1                   But the majority went to our Get Involved  
2 page as promoted and applied themselves just like two of  
3 your -- your actual witnesses said they went there, saw  
4 the occupations, applied for them.

5           Q.     Okay.

6                   MS. DANNEMAN:  Objection, Your Honor.  
7 Relevance.  The issue is whether this occurred.

8                   THE COURT:  Pardon me?  Well, I heard  
9 relevance.

10                  MS. DANNEMAN:  The issue is whether  
11 signature verification occurred.

12                  MR. BLEHM:  Well, it was asked and answered,  
13 Your Honor, but...

14                  MR. LIDDY:  Well, then we can wrap it up and  
15 go home.

16                  THE COURT:  So we're moving on.  Is that  
17 what you're telling -- saying?  Yes?

18                  MR. BLEHM:  Yes, Your Honor.

19                  THE COURT:  All right.

20 BY MR. BLEHM:

21           Q.     Okay.  Can you tell me how many signature  
22 verification employees you have working exclusively at  
23 level I?

24           A.     We had a total of 155.

25           Q.     Okay.



1           A.     That included the temporary in room 1 and 2, plus  
2     all of our full-time employees at -- within the division,  
3     including myself, that, again --

4           Q.     Okay.  You might've misunderstood my question.  
5     Just worked as level I signature verification employees.

6           A.     I apologize.  You might've misunderstood my  
7     answer.  155.

8           Q.     Oh, so --

9           A.     All had access, including myself, to work level  
10    I.

11          Q.     Yeah.  I meant just worked level I.

12          A.     Then that would --

13          Q.     I mean, did not work II or III.

14          A.     Then that would be then the 40 -- or the 24, I  
15    apologize, that were assigned level I access, but we also  
16    have some staff that are full time that are not yet gone  
17    through the training, and I don't have that number in  
18    front of he me, but the 155 were eligible and assigned to  
19    level I, but of that 43 -- so this will help you do the  
20    math -- 112 -- 43 were assigned level II.

21          Q.     Okay.

22          A.     So we had 43 level II, not III, but 43 level II  
23    managers working those queues.

24          Q.     Okay.  Where did they work?

25          A.     They worked in elections department.  I'm not



1     sure --

2           Q.     Okay.  Do you -- do you allow any remote work?

3           A.     Actually, everything is remote.  As we indicated,  
4     ballots are -- physical ballots are scanned.  The digital  
5     images are imported or uploaded into --

6           Q.     Right.

7           A.     -- the secure system itself and then on --

8           Q.     All right.  I'll clarify my definition of remote.  
9     Not at MCTEC.

10          A.     So at our offices -- we do have three different  
11     offices.  So -- that are all part of our network, and even  
12     at MCTEC, those 24 temporaries, we also have another 50  
13     FTEs in that facility that when -- and I appreciate the  
14     term that Mr. Myers said, all hands on deck as asked for  
15     such as post election.  We'll take those 290, and maybe we  
16     only have 24.  We don't rely on 24.  That is our normal --  
17     that's their only focus.

18          Q.     Uh-huh.

19          A.     But yes, so we could have upwards, just at MCTEC,  
20     upwards of 60 to 70 mixture of full-time employees and  
21     those specifically assigned in that room.

22          Q.     Where -- where are the other three locations that  
23     you actually do signature verification that are not at  
24     MCTEC?

25          A.     There are two locations.  There's three total.



1       So MCTEC would be one.

2           Q.     Yes.

3           A.     Then there would be the County -- the Recorder's  
4       Office downtown down the block, and then the other would  
5       be actually here at 222 East Javelina, our Mesa office.

6           Q.     Okay. And do you have observers in all three  
7       offices?

8           A.     Every observer is offered to and they have taken  
9       us and observed the MCTEC office, including the tabulation  
10      and those particular rooms.

11          Q.     Uh-huh.

12                   Do you allow observers in the Recorder's  
13      Office or the Mesa office to observe the signature  
14      verification process?

15                   MR. MORGAN:  Objection, Your Honor.  
16      Relevance.  It's 4:15, and I still don't know how we're  
17      getting anywhere --

18                   MR. BLEHM:  I'll tell you what, Your Honor.  
19      I'll wrap it up after this question until tomorrow  
20      morning, but I'd like an answer to this question.

21                   MR. MORGAN:  I'd like to finish my  
22      objection.

23                   It's irrelevant.  Thank you.

24                   THE COURT:  I think he's told me he's laying  
25      the foundation for his witness tomorrow who's going to do



1 the math. And so that's what Mr. Valenzuela is testifying  
2 to, and -- and I think he understands it, as well. So I  
3 think he's -- Mr. -- now you got me all confused.

4 MR. BLEHM: Blehm, Your Honor.

5 THE COURT: Mr. Blehm is done, right, or you  
6 got one more question?

7 MR. BLEHM: Well, no. I -- I was saying --

8 THE COURT: Mr. Olsen has another question  
9 for you.

10 MR. BLEHM: What I was saying, Your Honor,  
11 is, you know, if it please the Court, if he would answer  
12 my question, as to whether or not they actually allow  
13 observers in the other locations where signature  
14 verification is performed because we would just like an  
15 answer to that question.

16 THE COURT: Okay.

17 MR. MORGAN: Again, Your Honor, what --

18 MR. BLEHM: If he can answer --

19 MR. LIDDY: Objection. Relevance, Your  
20 Honor. If it's performed, it's performed, and we can all  
21 go home.

22 THE COURT: Okay.

23 MR. BLEHM: We see, Your Honor. It's --  
24 it's clear.

25 THE COURT: Wait a minute. Let me -- I



1 don't want a speech from you and a speech from them at  
2 this point in time.

3 Your question is whether they permit  
4 observers at the other locations other than MCTEC,  
5 basically?

6 MR. BLEHM: Yes, Your Honor.

7 THE COURT: Okay. And you're saying not  
8 relevant?

9 MR. LIDDY: It's not relevant whether  
10 they're observed or not. If the contestor is going to  
11 assume that the work was done --

12 THE COURT: Okay.

13 MR. LIDDY: -- here in Mesa, then it was  
14 done, and if it was done, we have no reason to be here.  
15 We should all go home.

16 THE COURT: Okay. Are you able to answer  
17 that question that Mr. Blehm has?

18 THE WITNESS: I can, Your Honor.

19 THE COURT: You can?

20 THE WITNESS: Yeah.

21 THE COURT: Go ahead and answer it.

22 THE WITNESS: So, with regards to observers,  
23 observers are offered the opportunity, not a legal  
24 requirement or statutory requirement, to look at -- the  
25 only statutory requirement that observers are under are to



1     observe and they do not do a one-for-one stand behind a --  
2     a individual.

3                     So in our offices -- as an example, I did  
4     signature verification, as a certified election officer,  
5     as an accredited -- I have that done in my office on my PC  
6     that's logged with my username. I'm able to do that.

7                     And no, we would not allow the observer, in  
8     that circumstance, to come into my office and stand behind  
9     me, but we do in the general areas. Any general area, we  
10    allow observers to exactly do that, observe, not just  
11    scrutiny.

12                    All 24, even those in that room, it's one  
13    observer. So, if you're saying that the process is broken  
14    because we don't have 155 observers standing over your  
15    shoulder, that's never been the intention.

16    BY MR. BLEHM:

17            Q.     All right. I didn't --

18            A.     -- in the process.

19            Q.     Okay. Okay.

20                    THE COURT: Do you have any other questions?

21                    MR. BLEHM: Well, I'd ask one more before we  
22    go for tomorrow, Your Honor, but I do -- I do have more  
23    questions tomorrow before we bring our expert in. I am  
24    not done yet.

25                    THE COURT: You have more questions of this



1 witness?

2 MR. BLEHM: Yes, Your Honor.

3 THE COURT: Well, we're not done yet.

4 MR. BLEHM: Okay.

5 THE COURT: Go ahead and ask.

6 BY MR. BLEHM:

7 Q. Can signature verification be done at a Maricopa  
8 County employee's home?

9 A. There isn't -- we don't have that currently in  
10 place.

11 Q. Okay.

12 A. Now, let me -- let me back up. I mean, we do  
13 have, during the COVID back in 2020, but right now,  
14 individuals are signed in to their network PC.

15 Q. Uh-huh.

16 Okay. All right. So, really quickly, just  
17 to get from you, if you can look at Exhibit 1.

18 A. What is it?

19 Q. You still have Exhibit 1 before you?

20 A. What would Exhibit -- I have two of them in front  
21 of you.

22 Q. Yeah. It should be marked with a 1 on the green  
23 tag.

24 A. Okay. The guard -- the --

25 Q. All right. And we didn't get into details about



1     these, but can you go ahead and let the Court know what --  
2     what the Secretary of State identifies as the broad  
3     characteristics of a signature for signature verification  
4     purposes?

5           A.     Broad characteristics as defined, not just by  
6     Secretary of State, I'll add, it's also in our training,  
7     but broad characteristics, the type of writing, cursive,  
8     print; the speed of writing, harmonious versus slow;  
9     deliberate; overall spacing, overall size and proportion;  
10    position of the signature, slanted versus straight; and  
11    spelling and punctuation.

12          Q.     Okay. And then the local characteristics, what  
13    are those?

14          A.     The local characteristics are a combination of  
15    internal spacing, the size and proportion of letter or  
16    letter combination, curves, loops, and cross points, the  
17    presence or absence of pen lifts, beginning and ending  
18    strokes.

19          Q.     I believe you previously testified that you  
20    retained an expert document analyst to teach these  
21    features to the temporary and full-time employees at  
22    Maricopa County Elections Department?

23          A.     With an understanding and structure what they're  
24    intended for in their purpose --

25          Q.     Okay.



1           A.    -- yes.

2           Q.    All right.  Do you give a test after their  
3 training?

4           A.    We do not.

5           Q.    No test?

6           A.    Well, other than the hands-on.  So, in a sense,  
7 yes.  It's not a written test after that, but there is  
8 several -- as the other testimony was presented, there's  
9 several hands-on and individualized to see if they are  
10 understanding and grasping --

11          Q.    All right.

12          A.    -- have that skill set.

13          Q.    Okay.  And -- and when you conducted signature  
14 verification, do you know how many -- how many signatures  
15 you personally verified?

16          A.    I actually do.

17          Q.    Yeah.

18                       How many?

19          A.    It was 16 hundred.

20          Q.    Sixteen hundred?

21          A.    Which is embarrassing that the bulk of it, the  
22 1.3 million, wasn't me.

23          Q.    Well, you're a busy man.

24          A.    Yes.

25          Q.    You know, you run an elections department.



1           A.     And that lends itself to that where the all  
2     hands-on-deck concept comes in, where the 290 -- how do  
3     you get through those in 36 hours. Sometimes you ask the  
4     electors of elections to assist.

5           Q.     Okay. How many did you exception?

6           A.     Did I exception? I believe -- and the only  
7     reason why it's from the public records request, we have  
8     the dataset, and I believe it was 131.

9           Q.     Well, now, what do you mean it's only because of  
10    the public records request that you have that dataset?

11          A.     Because we're -- we don't have a need to come  
12    back to say, how many did Ray do.

13          Q.     Right.

14          A.     In other words, there's other checks and  
15    balances. By exception, there is a level II worker who's  
16    going to validate and concur. I agree that it is a  
17    questionable set, I agree that it's a missing set.

18                         So we don't come back as a normal practice  
19    to say Attorney Blehm would like to know how many Ray  
20    Valenzuela did, and then, therefore, we'd have to run that  
21    report --

22          Q.     Right.

23          A.     -- or create a report. So we did that for the  
24    public records request specifically.

25          Q.     Right.



1                   But you don't -- you don't use -- you've  
2   never used that data before?

3           A.    We have no need to know how many Ray -- exactly.  
4   If you're specifically indicating and speaking to --

5           Q.    Right.

6           A.    -- the usernames, how many did Ray Valenzuela do  
7   as a global report, we don't.

8           Q.    Right.

9           A.    But we do have an audit report that is --  
10   irregardless of that it's Ray, that looks at those  
11   statuses.

12          Q.    Okay.

13          A.    And that's what we're concerned with, what  
14   somebody said to be no sig, when they have a sig, where  
15   they considered a question when they -- or a match -- or  
16   consistent signature and so on.

17          Q.    All right. And so you've never felt the need  
18   then as an elections department --

19                   MR. MORGAN:  Objection.  Relevance.

20                   MR. LIDDY:  Join.

21                   THE COURT:  Let him finish his question.

22   BY MR. BLEHM:

23          Q.    -- to keep statistics and data on election  
24   workers with regards to the rate at which they are hitting  
25   approved?



1                   MR. MORGAN: Again, objection, Your Honor.  
2     The witness' feelings, let alone this entire line of  
3     questioning, have nothing to do with the issue we're  
4     trying today.

5                   THE COURT: Okay. I'm going to overrule it.  
6     You kind of shifted the question midstream from where I  
7     thought you were going. You may have done that on  
8     purpose.

9                   I think what he's asking is you don't track  
10    when people make mistakes when they're doing signature  
11    verification, and you don't care about, you don't keep  
12    statistics.

13                  He can answer how they monitor. You can ask  
14    it differently, but ask him how they keep track of people  
15    that are accurately or not accurately following the  
16    protocol.

17                  MR. BLEHM: And we're going to get there,  
18    Your Honor.

19                  THE COURT: Well, that's what I thought you  
20    asked to do.

21                  Wasn't that what you wanted to ask him?

22                  MR. BLEHM: You know, in a way. But --

23                  THE COURT: Let's just withdraw all of this.  
24    I'll sustain their objection. You ask a different  
25    question.



1 MR. BLEHM: All right.

2 MR. MORGAN: Thank you, Your Honor.

3 BY MR. BLEHM:

4 Q. Okay. So level I signature verification workers  
5 are -- they have access to three signatures to compare the  
6 ballot affidavit envelope with?

7 A. That is correct.

8 Q. Okay. Because they don't have to rely on the  
9 standards set by the Secretary of State, are they  
10 obligated to look at all three signatures?

11 A. They are not.

12 Q. Okay. So they're only obligated to look at --  
13 are they even obligated to compare one?

14 A. Absolutely.

15 Q. Okay. And if a signature is approved, then it's  
16 done, right?

17 A. No. It goes into the level 3 randomized 2  
18 percent audit to validate -- well, I'll hold until you ask  
19 the question, because part of the question that you -- the  
20 judge was indicating earlier, there is a -- a daily review  
21 of all workers and their dispositions.

22 Q. Okay. And so you review the individual worker --

23 A. Correct.

24 Q. -- and their dispositions, yes?

25 A. That is correct.



1 Q. Okay. What do you review them for?

2 A. We review them for consistency, meaning if I, as  
3 an individual, Ray Valenzuela look at 16 hundred and 131,  
4 was there some sort of inconsistent where somebody did  
5 them all good or somebody did them all bad?

6 Q. Okay.

7 A. So we are looking referencing -- most of it is  
8 because -- to -- a quality control check to make sure that  
9 it's -- that we have that integrity there.

10 Q. Have you ever fired an employee from Maricopa  
11 County because you found that they were consistently  
12 approving bad signature?

13 A. We have not.

14 Q. Okay. I -- earlier today, you -- you heard the  
15 argument by Mr. Liddy, did you not, during the  
16 introduction of that video, that the individual --

17 MR. LIDDY: Objection, Your Honor.

18 BY MR. BLEHM:

19 Q. -- depicted on that video was removed from the  
20 line; is that correct?

21 MR. LIDDY: Form. Mr. Liddy made no  
22 argument during his open.

23 THE COURT: Okay. Rephrase it, however  
24 you'd like without the reference to Mr. Liddy's position.

25 BY MR. BLEHM:



1           Q.     In court today during Mr. Olsen's opening  
2 argument, he played a video.

3                     Do you recall that video?

4           A.     I do.

5           Q.     Okay. And one of Mr. Liddy's objections was that  
6 the man had been -- depicted in the video had been removed  
7 from the line.

8                     Do you recall that?

9                     MR. LIDDY: Objection as to form. Mr. Liddy  
10 made no objections during Mr. Olsen's opening statement.

11                    THE COURT: Okay. Let's -- let's ask it  
12 differently. I think you're referring to Exhibit 19.

13 BY MR. BLEHM:

14           Q.     Exhibit 19. Mr. Liddy represented to this Court  
15 that the man had been removed from the line; is that  
16 correct?

17           A.     That is correct.

18           Q.     Okay. Was that man removed from the line?

19           A.     He was removed from the process of signature  
20 verification, reassigned from the process.

21           Q.     Okay. When was he reassigned?

22           A.     Exact date, I -- I do not know, but it was not --  
23 and if I may some liberty -- was not because of that video  
24 or not because he was reviewing it as he was required to  
25 do.



1                   It was just that there's a skill set that's  
2     required to perform this function, and if you are  
3     having -- not meeting those marks, then we'll move you to  
4     another task, whatever that may be.   Curing, as an  
5     example.

6           Q.     But as you sit here today, you can't tell me when  
7     he was reassigned?

8           A.     I was not anticipating that, so I don't have his  
9     HR record.

10          Q.     All right.

11          A.     But it wasn't -- again, it wasn't let go; it was  
12     just a reassignment to a different part of the process.

13          Q.     And is that because how he was performing his  
14     duties?

15          A.     Correct.   So they can be not specific.   It could  
16     be that it's just a -- what we'll consider a -- a lack of  
17     skill when it comes to technology or something of that  
18     nature.

19          Q.     Okay.   So is it possible then, because he lacked  
20     skill with technology, that you moved him to actually  
21     handling green affidavit envelopes for signature  
22     verification?

23          A.     We -- whatever we moved him to, it's actually  
24     proof positive that there is an audit level that would  
25     have identified that, and that's why we have those checks



1 and balances, that second level and that third level.

2 Q. Okay. Was this person a temporary worker?

3 A. Yes, he was.

4 Q. What was the last day at Maricopa County  
5 Elections Department for temporary workers?

6 A. Some of them are still there. It depends on the  
7 nature of the thing. Some of them -- if you're talking  
8 specifically about signature verification, there are some  
9 that a bulk of them were probably Monday or Tuesday after  
10 the election.

11 Q. Monday or Tuesday after the election. I'm really  
12 bad with Mondays and Tuesdays.

13 A. Fourteen, 15.

14 Q. Dates in general.

15 So 14, 15?

16 A. Of November.

17 Q. What about the witnesses who testified today I  
18 believing they were let go on the 11th; is that correct?

19 A. That's possible. Absolutely.

20 Q. Okay. Were a lot of people let go on the 11th?

21 A. Absolutely. Yes.

22 Q. Okay. What about this individual depicted in the  
23 video? Was he let go on the 11th?

24 A. It could happen.

25 Q. Okay.



1           A.     But that's because we were done.

2           Q.     Okay.   Because you were done?

3           A.     Yes.

4           Q.     Not because he wasn't properly doing his job?

5           A.     Because he could be assigned to curing.   He was  
6     doing that properly.   So it's -- so, again, nobody was let  
7     go because they weren't -- they were not -- they were  
8     going against their oath or they were nefariously, not to  
9     the best of their ability, as the oath indicates, were not  
10    performing.

11          Q.     Had you ever had to fire anybody for not  
12    following their oath of office?

13          A.     I have not.

14                 MR. BLEHM:   Okay.   All right.   And, Your  
15   Honor, it's 4:30.   Can we -- do you want me to just wrap  
16   up now?

17                 THE COURT:   How much more you got?

18                 MR. BLEHM:   I've got about three or four  
19   pages -- four-and-a-half, actually.   I want to make no  
20   misrepresentations to the Court.

21                 THE COURT:   When I get asked that kind of a  
22   question, it's usually, I got two more questions; not,  
23   I've got five more pages.

24                 MR. BLEHM:   Well, Your Honor, it's --

25                 THE COURT:   4:30 is it.   So --



1 MR. BLEHM: Okay.

2 THE COURT: If you were to tell me that just  
3 a few more minutes, Judge, and I'll be done, that's one  
4 thing, but if you're -- what you're indicating is you've  
5 got another, what, 30, 45 minutes?

6 MR. BLEHM: Probably, Your Honor.

7 THE COURT: Yeah. No.

8 MR. BLEHM: Okay.

9 THE COURT: We're not doing that.

10 MR. BLEHM: And one question always leads to  
11 another. I'm sorry.

12 THE COURT: Okay. Then we will recess for  
13 today.

14 And tomorrow you intend to start back with  
15 this witness? There's no out of order problem?

16 MR. BLEHM: At 9:00 a.m., Your Honor.

17 THE COURT: 9:00 a.m.

18 All right. So, Mr. Valenzuela, if you could  
19 be here. You're still under oath. And we will resume at  
20 9:00 a.m.

21 Is there anything that you need to bring to  
22 my attention before I let you all go for the night?

23 MR. LIDDY: Not with a full courtroom, Your  
24 Honor, but I do have one question.

25 THE COURT: All right. Then I'll excuse



1 everybody, and the lawyers can stay here, if you've got a  
2 question for just counsel and me. We'll stay on the  
3 record, though.

4 (Whereupon all other parties are excused  
5 from the courtroom.)

6 THE COURT: All right. Okay.

7 MR. LIDDY: Your Honor, you gave each of the  
8 parties an assignment to go talk to our clients and get  
9 back to you in writing.

10 Is there a time where you want that  
11 submitted? What's our homework due, Your Honor?

12 THE COURT: In the morning.

13 MR. LIDDY: Thank you.

14 MR. MORGAN: Did you want us, Your Honor --  
15 for clarification, did you want us to get back either way?  
16 I know my client's answer. I'm prepared to say it now.

17 THE COURT: No. I don't want you to say it  
18 now. I don't want anything in open court. I just want  
19 you to file something by the morning. Okay? And I want  
20 it either way.

21 MR. MORGAN: Either way? Okay.

22 THE COURT: I don't want you -- I don't want  
23 a speech. I don't want an eloquent oration on paper. I  
24 just want a plain and simple statement.

25 MR. LIDDY: Do you want it filed under seal?



1                   THE COURT: Yeah. I'll file it under seal.  
2 Does that make sense? I don't know that anyone cares. I  
3 mean, you know, if -- here's my clerk. Maybe not.

4                   MR. BLEHM: I don't even know how to file it  
5 under seal, Your Honor.

6                   THE COURT: I tell you what. She tells me  
7 if you want to bring it in, that's fine, and we'll file it  
8 that way.

9                   You know what, I don't even know that I need  
10 to file something. You know, what I can maybe do is, at  
11 the beginning of the day, is we can do this and go on the  
12 record because to me, what was important was the  
13 opportunity to visit with your clients offline out of my  
14 presence away from everyone else and then give me your  
15 position.

16                  MR. LIDDY: Understood, Your Honor.

17                  THE COURT: Okay? If you're okay with that.  
18 If somebody feels intimidated by that process, then you  
19 can do it in writing, however you want to do it.

20                  Is -- is everyone okay with that?

21                  MS. RODRIGUEZ ARMENTA: Yes, Your Honor.

22                  MR. LIDDY: Yes, Your Honor.

23                  THE COURT: I don't have anything further to  
24 keep you any longer. You've been worrying all day. So I  
25 will see you tomorrow morning at 9:00.



1 MR. OLSEN: Thank you, Your Honor.

2 MR. MORGAN: Thank you, Your Honor.

3

4 (Whereupon proceedings are concluded.)

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4 CERTIFICATE OF REPORTER  
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8 STATE OF ARIZONA )

9 COUNTY OF MARICOPA )  
10

11 I, Luz Franco, an official reporter in the Superior  
12 Court of the state of Arizona, in and for the county of  
13 Maricopa, hereby certify that the foregoing pages  
14 constitute a true and accurate transcript of my  
15 stenographic notes taken at said time and date, all done  
16 to the best of my skill and ability.

17 Dated this 17th day of May, 2023.  
18  
19  
20

21 \_\_\_\_/s/Luz Franco\_\_\_\_\_  
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